

2 SEPTEMBER 1947

I N D E X
Of
WITNESSES

<u>Defense' Witnesses</u>	<u>Page</u>
YAMAMOTO, Chikao (resumed)	27250
Direct by Mr. Roberts (cont'd)	27252
Cross by Captain Robinson	27261
Questions by the President of the Tribunal, Sir William Webb	27262
Cross (cont'd) by Captain Robinson	27262
(Witness excused)	27269
TOMIOKA, Sadatoshi	27282
Direct by Mr. Roberts	27282
<u>MORNING RECESS</u>	27282
Direct by Mr. Roberts (cont'd)	27284
Cross by Captain Robinson	27305
(Witness excused)	27309
<u>NOON RECESS</u>	27309
OHASHI, Tatsuo	27315
Direct by Mr. Roberts	27315
Questions by the President of the Tribunal, Sir William Webb	27322
Redirect by Mr. Roberts	27322
Questions by the President of the Tribunal, Sir William Webb	27322
(Witness excused)	27323

2 SEPTEMBER 1947

I N D E X
of
Witnesses
(cont'd)

<u>Defense' Witnesses</u>	<u>Page</u>
OKOCHI, Denshichi	27324
Direct by Mr. Roberts	27324
Direct (cont'd) by Mr. S. OKAMOTO	27328
(Witness excused)	27334
ARIMA, Shizuka (Gen)	27335
Direct by Mr. Roberts	27335
(Witness excused)	27348
<u>AFTERNOON RECESS</u>	27348
TAKATA, Toshitane	27354
Direct by Mr. Roberts	27354
Cross by Commander Cole	27370
(Witness excused)	27373
YAMAMOTO, Yoshio (recalled)	27374
Direct by Mr. Roberts	27374
(Witness excused)	27385

2 SEPTEMBER 1947

I N D E X
of
EXHIBITS

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1897	3052		Affidavit of YAMAMOTO, Chikao		27251
	3053		Book entitled "Collected Volume of Headquarters' Instructions, Vol. II, Navy Section"	27269	
1943	3053-A		Excerpt therefrom - Chapter I - The Campaigns Against the US, the British Commonwealth and the Chinese Republic		27269
1943-A	3053-B		Further excerpt - "Air Operations"		27270
	3054		Book entitled "Collected Volume of Imperial Headquarters Instruc- tions, Vol. I, Naval Section"	27273	
1944	3054-A		Excerpt therefrom - Operational Policy		27274
1941	3054-B		Further excerpt from above Volume		27313
1455	3055		Regulations: The Treatment of Prisoners of War - (Naval Ministerial Notification No. 33, dated 17 February 1904, Amended by Notification No. 407, 1941)		27275
1456	3056		Report on Prisoner of War Administration made to GHQ by the Tokyo Central Liaison Office, dated 27 January 1946		27276

2 SEPTEMBER 1947

I N D E X
of
EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1945	3057		Affidavit of TOMIOKA, Sadatoshi		27284
	3058		Volume entitled "Collected Volume of Imperial Headquarters Instructions Navy Section" 27298		
1940	3058-A		Excerpt therefrom - Naval General Staff Directive No. 15, dated 30 November 1941 from Chief of Naval General Staff, Admiral NAGANO, Osami to Commander- in-Chief of Combined Fleet, Admiral YAMAMOTO		27301
2294	3059		Certificate "Instructions, Navy Department, Im- perial Headquarters "		27303
	3060		Book entitled "Imperial Headquarters Naval Orders, Part III" 27311		
2208	3060-A		Excerpt therefrom - Directive No. 282 Naval Department - Imperial General Headquarters - from NAGANO, Osami, Chief of the Naval General Staff to KOGA, Commander-in- Chief of the Combined Fleet		27311

2 SEPTEMBER 1947

I N D E X
of
EXHIBITS
(cont'd)

<u>Doc. No.</u>	<u>Def. No.</u>	<u>Pros. No.</u>	<u>Description</u>	<u>For Ident.</u>	<u>In Evidence</u>
1954	3061		Affidavit of OHASHI, Tatsuo		27315
1607	3062		Affidavit of OKOCHI, Denshichi		27325
1256	3063		Affidavit of ARIMA, Shizuka (Gen)		27335
1896	3064		Reply addressed to Colonel Allen from Major-General NAKAMURA re the inquiry note addressed to the Japanese Government from GHQ after the surrender concerning a Japanese submarine which sunk a steamer in the Indian Ocean		27349
2128	3065		Affidavit of TAKATA, Toshitane		27356
2142	3066		Affidavit of YAMAMOTO, Yoshio		27374

1 Tuesday, 2 September 1947

2 - - -

3 INTERNATIONAL MILITARY TRIBUNAL
4 FOR THE FAR EAST
5 Court House of the Tribunal
6 War Ministry Building
7 Tokyo, Japan

8 The Tribunal met, pursuant to adjournment,
9 at 0930.

10 - - -

11 Appearances:

12 For the Tribunal, all Members sitting, with
13 the exception of: HONORABLE JUSTICE I.M. ZARYANOV,
14 Member from the USSR., not sitting from 0930 to 1600;
15 HONORABLE JUSTICE HENRI BERNARD, Member from the
16 Republic of France and HONORABLE JUSTICE R. B. PAL,
17 Member from India, not sitting from 1330 to 1600.

18 For the Prosecution Section, same as before.

19 For the Defense Section, same as before.

20 - - -

21 (English to Japanese and Japanese
22 to English interpretation was made by the
23 Language Section, IMTFE.)
24
25

W
o
l
f
&
B
e
r
t
o
n

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 - - - -

4 C H I K A O Y A M A M O T O, resumed the stand
5 and testified through Japanese interpreters
6 as follows:

7 THE PRESIDENT: Mr. Tavenner.

8 MR. TAVENNER: If the Tribunal please, the
9 prosecution has made a check on the three documents
10 that were filed with the Clerk, but it is impossible
11 for us to determine what directives are referred to
12 in this affidavit on pages 9 and 10.

13 We waive the objection that rule 6-b has not
14 been complied with, but we take the position that pages
15 9 and 10, other than the last question and answer on
16 page 10, should not be admitted in evidence due to the
17 fact that the directives are not clearly described, and,
18 in any event, it seems to be an effort on the part of
19 the affiant to describe and to some extent construe
20 those directives which, no doubt, will be presented
21 in some form by the defense later on.

22 THE PRESIDENT: Mr. Roberts.

23 MR. ROBERTS: The references on pages 9 and
24 10 are really a summary of the directives which are
25 referred to in the earlier parts of the affidavit.

1 THE PRESIDENT: Are you sure they are
2 summaries and not interpretations?

3 MR. ROBERTS: It is a summary of the documents
4 that I referred to before the adjournment.

5 THE PRESIDENT: I think you had better rely
6 on the document. No doubt, the prosecution have told
7 us, in all good faith, that they cannot trace these
8 documents, after having sought for them during the
9 week-end.

10 The objection is sustained and the document
11 admitted to the extent not objected to, that is to say,
12 without pages 9 and 10 except the last question and
13 answer on page 10.

14 MR. ROBERTS: Yes.

15 CLERK OF THE COURT: Defense document 1897
16 will receive exhibit No. 3052.

17 (Whereupon, the document above
18 referred to was marked defense exhibit
19 No. 3052 and received in evidence.)
20
21
22
23
24
25

MR. ROBERTS: I read exhibit No. 3052:

1 "Q State your post and rank at the time of de-
2 mobilization.

3 "A Rear-Admiral: Commandant of the 11th Air
4 Squadron.

5 "Q State main posts you occupied since around
6 the outbreak of war till its termination.

7 "A Chief of First Section, Administrative Di-
8 vision, Department of Naval Aeronautics from September
9 1941 to December 1942; Chief of First Section, Naval
10 Department of Imperial Supreme Headquarters from Jan-
11 uary 1943 to December 1944; and Chief of Staff, 10th
12 Air Fleet, and Commandant 72nd Air Squadron from
13 January 1945 to the end of the war.

14 "Q What sort of a job was assigned to you from
15 January 1943 to December 1944?

16 "A I was in charge of the affairs concerning
17 overall operational conduct of the Japanese Navy under
18 the control of the Chief of the First Division, Naval
19 Department of the Imperial Supreme Headquarters. To
20 fulfill this duty I was to direct the members of the
21 First Section in drawing up plans as well as in draft-
22 ing orders and directions for the overall operational
23 conduct of the Navy.

24 "Q Have you ever taken part in drawing up the
25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 "Results of operations up to that time led us to
2 believe that submarines could be more effectively
3 employe against enemy sea traffic than against enemy
4 naval forces. Increasing activities of enemy air-
5 craft in the Solomon Islands and Rabaul areas, however,
6 made the supply by ordinary surface transports to
7 those outlying bases more and more difficult, a sit-
8 nation which compelled us to employ submarines for
9 the transportation of supplies.

10 "The method of forwarding supplies by means of
11 submarines was subsequently extended to New Guinea,
12 the Mandated Island and the Aleutian Archipelago
13 areas. This necessitated numerous submarines to be
14 diverted from the field of maritime traffic destruction,
15 leaving in the latter field only a scant force of sub-
16 marines, a situation which made the prospect of
17 achieving the results at first visualized remote.

18 "The operational plan for this minor period is
19 what was indicated to the Commander-in-Chief of the
20 Combined Fleet, YAMAMOTO, Isoroku, by the Chief of
21 Naval General Staff NAGANO, Osami, on 25 March 1943
22 as Naval General Staff Directive No. 209, in the
23 drafting of which I myself took part as the Chief of
24 the Section in charge of the planning.

25 "The second minor period began in October 1943
with the principle in operation unaltered. But the

1 advent of German submarines in the Indian Ocean
2 necessitated the drawing of the demarcation between
3 the fields of operations of Japanese and German sub-
4 marines. This line of demarcation was indicated by
5 the Chief of Naval General Staff NAGANO, Osami, to
6 Commander-in-Chief of the Combined Fleet, Admiral
7 KOGA with Naval General Staff Directive No. 282
8 dated 4 October 1943.

9 "The operational agreement concluded with Germany
10 regarding to the field of operations in the Indian
11 Ocean setting 70 degrees longitude as the line of de-
12 marcation was indicated to the units concerned by
13 Naval General Staff Directive No. 282 of 4 October
14 1943 for the first time. Prior to that date nothing
15 was shown to them concerning this matter.

16 "This was because, I suppose, it had not
17 been deemed necessary to issue such directive until
18 the activities of the German submarines became
19 actually seen in the Indian Ocean, though the agree-
20 ment with Germany on the matter had been already
21 concluded.

22 "This Naval General Headquarters Directive was
23 drawn up by myself in the capacity of the Chief of
24 the Competent Section.

25 "The third minor period started in August 1944.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 For this period no alteration was made in the principle
2 of operations in so far as a directive of the Naval
3 General Staff was concerned. In reality, however,
4 our navy became too tightly occupied with the opera-
5 tions in the Philippine area to divert submarines to
6 continue sea traffic destruction, and the submarines
7 which had so far engaged in the traffic destruction
8 in the Indian Ocean as well as in the Pacific Ocean
9 had been withdrawn.

10 "Q When was it that the co-operation of the sub-
11 marines among Japan, Germany and Italy was contemplated
12 in the Japanese Imperial Supreme Headquarters.

13 "A When on 25 March 1943 Naval General Staff Di-
14 rective No. 209 was about to be delivered for the
15 Third Phase of the War to the Commander-in-Chief of
16 the Combined Fleet YAMAMOTO from the Chief of the
17 Naval General Staff, an item dealing with the co-
18 operation first found its insertion into this directive
19 because it was expected that some of the German and
20 Italian submarines would start operations shortly in
21 the Indian Ocean in accordance with the military agree-
22 ment among the three powers. It was not until 4
23 October 1943, however, that the operational units con-
24 cerned were first instructed concretely about the
25 matter, because of the necessity to do so had not been

1 felt before.

2 "Q During your tenure of office as the Chief of
3 the First Section, Naval Department of the Imperial
4 Supreme Headquarters, had any of Japanese Naval Of-
5 ficers residing in Germany or any German official ever
6 notified to Tokyo of the German request or something
7 like that about the co-operations of the Japanese and
8 German submarines?

9 " No. Nothing of the sort.

10 " German U-boats successfully pursued the policy
11 of killing all of the persons on board the Allied
12 vessels except only a few of them useful for getting
13 information when they sank those vessels. Do you know
14 the fact that the Germans requested to Japan for the
15 adoption of such policy around 1943?

16 "A No, I have never heard of any such thing.

17 "Q Has the principle of the annihilation of the
18 crew members of a sunken vessel ever been adopted in
19 the plan of operations drawn up in the Imperial Su-
20 preme Headquarters?

21 "A The Japanese Navy have never adopted such a
22 principle; absolutely, no never. On the contrary,
23 though it is a matter of course, the strict observance
24 of international laws and the high regard to human
25 lives have been held among the traditional spirits

1 which have guided the Central Authorities of the
2 Japanese Navy. For instance, in Naval General Staff
3 Directive No. 15 of 30 November 1941 and in Naval
4 General Staff Directive No. 60 of 1 March 1942 it is
5 enunciated as a matter of warning that in carrying out
6 submarine warfare ample time for safe retirement should
7 be given to the crew members and passengers of Allied
8 vessels, unless circumstances might otherwise dictate.

9 "This humanitarian spirit of the Navy had been
10 maintained unchanged throughout the war.

11 "Q What fleet was in command of the submarines
12 which operated in the Indian Ocean from around October
13 1942 to around October 1944?

14 "A A division of submarines was placed under
15 the command of the South-Western Area Fleet since 10
16 July 1942, and operated in the Indian Ocean till
17 October 1943. In October 1943 the Eighth Submarine
18 Squadron joined forces with the aforesaid division.
19 Both of these submarine forces were placed under the
20 direct control of the commandant of the Eighth Sub-
21 marine Squadron, who in turn was under the command of
22 the South-Western Area Fleet.

23 "Since August 1944 every submarine of the above
24 Squadron diverted to other area from the Indian Ocean.

25 "Q What fleet was in command of the submarines

1 that operated in the Pacific Ocean - in the Samoa-
2 Fiji area in particular - from 1942 to around 1944?

3 "A They were commanded by the Commander-in-
4 Chief of the Sixth Fleet.

5 "Q By whom was the First Submarine Force com-
6 manded as of 20 March 1943?

7 "A Belonging to the Sixth Fleet, it was com-
8 manded by the Commander-in-Chief of the Fleet.

9 "Q In the relation between the 1st Submarine
10 Squadron and the submarine force operating in the
11 Indian Ocean, was the one in command of the other re-
12 garding the operational matters?

13 "A No, they had no direct connection at all be-
14 tween them. Although both the Sixth Fleet and the
15 South-Western Area Fleet were under the command of
16 the Combined Fleet, the submarine forces operating
17 in the Indian Ocean, which belonged to the South-
18 Western Area Fleet, and the First Submarine Force be-
19 longing to the Sixth Fleet had nothing in common be-
20 tween them regarding the matters pertaining to command.

21 "Q Where were the bases and how extensive were
22 the theaters operations? Tell me the bases and the
23 theaters of operations of the submarine forces be-
24 longing to the South-Western Area Fleet and of the
25 submarine forces attached to the Sixth Fleet.

1 "A The submarine forces of the South-Western
2 Area Fleet had their base at Penang and the theater
3 of their operations was the Indian Ocean (since
4 October 1943 the theater was limited to the Indian
5 Ocean only east of 70 degrees E longitude); while the
6 submarine forces of the Sixth Fleet had their base at
7 Truk with the Pacific Ocean as the field of action.

8 "Q When was MITO, Hisashi, transferred to the
9 Navy Ministry from the office of the Commandant of
10 the First Submarine Squadron?

11 "A It was on 29 March 1943.

12 "Q Do you know who succeeded him and what sort
13 of orders were given to the successor?

14 "A He was succeeded by Rear-Admiral KOUDA,
15 Takeo. The First Submarine Squadron was ordered to
16 turn to the Northern Pacific and was assigned another
17 duty in Kiska-Attus area in the middle of April"

18 Now to the last question on page 10:

19 "Q Have you ever witnessed what is called To-
20 secret First Submarine Squadron Order No. 2 issued
21 by the Commandant of the First Submarine Force on
22 20 March 1943?

23 "A No, I have never."

24 You may cross-examine.
25

1 THE PRESIDENT: Captain Robinson.

2 CROSS-EXAMINATION

3 BY CAPTAIN ROBINSON:

4 Q Mr. Witness, did you know that Japanese
5 submarines in the Indian Ocean followed exactly the
6 same policy as that followed by the Germans in destroy-
7 ing shipwrecked survivors?

8 A No, I do not.

9 Q Did you ever hear of the sinking -- change
10 that question -- Is it not a fact that the Jean Nicolett
11 was sunk on July 2, 1944 in the Indian Ocean by a
12 Japanese submarine, and that many other Allied vessels
13 in the Indian Ocean were sunk by Japanese submarine
14 crews who machine gunned and otherwise destroyed the
15 passengers in lifeboats?

16 A I never heard of any such fact.

17 Q Did you ever hear of protests to the Japanese
18 Government by the Governments of the United States,
19 of Great Britain, the Netherlands and other countries
20 against such submarine tactics?

21 A Although it did once come to my ears that
22 such protests had been made, I heard nothing definite
23 on that.

24 Q Did you know that the Germans supplemented
25 written orders governing submarine operations, such as

1 the German Order of September 3, 1942, by oral
2 instructions for the destruction of shipwrecked
3 survivors?

4 A No, I have never heard of any such thing.

5 Q You stated a moment ago, you did learn that
6 complaints had been filed at one time. What was done
7 in regard to those complaints?

8 A In regard to these protests, I believed they
9 were taken up by the competent section of the Navy
10 Ministry, and, as for our part, my subordinates would
11 investigate reports coming in from the various naval
12 units, reporting time, place, etc, where even my vessels
13 had been sunk and see if those reports -- if the time,
14 place and so forth in those reports, coincided with
15 those set forth in the protest.

16 BY THE PRESIDENT:

17 Q Did your subordinates make any such investi-
18 gation?

19 A Yes. However, I have never had any reports
20 made to me that as a result of those investigations an
21 actual case in which the time and place did coincide
22 occurred.

23 BY CAPTAIN ROBINSON (Continued):

24 Q And yet you state in this affidavit that no
25 such incidents occurred?

1 A I am afraid I cannot understand what you
2 mean by "such incidents." To what are you referring?

3 Q Incidents upon which such complaints were
4 based by the United States Government, the British
5 Government, the Dutch Government and other governments
6 whose ships have been sunk and crews destroyed by such
7 tactics.

8 A I have never heard of any such incidents --
9 any such acts.

10 Q You were Chief of the First Section of Naval
11 Supreme Headquarters in February and March 1944?

12 A Yes.

13 Q And at page 8 you speak of the submarine forces
14 of the Southwestern Area Fleet having their base at
15 Penang.

16 A Yes, that is so.

17 Q You knew that 3 or 4 submarines were included
18 with the Cruiser Tone and other ships in the 16th
19 Squadron of the South-Western Area Fleet at that time
20 and place.

21 A The 16th Squadron never had any submarines
22 under it.

23 Q During February, 1944, under whom was the
24 Japanese South-Western Area Fleet commanded?
25

 A I cannot recollect the name of the commander.

1 Q Was it not Admiral TAKASU?

2 A I believe it was Admiral TAKASU.

3 Q And who was in command of the Japanese 16th
4 Squadron?

5 A I believe it was Rear-Admiral SAKONJI. However,
6 I have no exact recollection.

7 Q Is it not a fact, that in February, 1944, the
8 South-Western Area Fleet and the 16th Squadron, under
9 the commanders as indicated, held a conference at Penang
10 on 23 February, 1944, at which plans were made for
11 operations against Allied shipping in the Indian Ocean?

12 A The Imperial General Headquarters had no
13 knowledge of such conferences held by commanders in
14 those areas.

15 Q In other words, local commanders could inaugu-
16 rate submarine warfare involving the tactics of destroy-
17 ing surviving crews and passengers without Imperial
18 Headquarters knowing of that fact?

19 THE PRESIDENT: In view of your evidence you
20 don't suggest they didn't know, do you?

21 CAPTAIN ROBINSON: No, your Honor, but I
22 would like to have the witness' statement on that
23 question, if I may.

24 A May I have the question itself repeated, please?

25 THE PRESIDENT: Of course, a submarine could

1 have done anything it liked without letting Imperial
2 Headquarters know. It is not necessary to put that
3 question and it isn't necessary to answer it. But,
4 the suggestion in the question is what intrigued me
5 in view of your evidence.

6 BY CAPTAIN ROBINSON (Continued):

7 Q Is it not possible also that orders to
8 submarine commanders for such tactics might be passed
9 on orally as was done by the German Command?

10 A Since no reports were submitted by local
11 commanders as to what orders or instructions they gave
12 to their subordinates, based on the orders or instructions
13 coming from the Imperial General Headquarters, I have
14 no way of ascertaining what kind of orders they actually
15 gave. However, although most of the orders given by
16 local commanders were in written form some, I believe,
17 were given orally. Furthermore, in order to explain
18 the orders or instructions given by these local
19 commanders, the Chief of Staff would give oral ex-
20 planations to go with these orders. However, it was
21 customary in such cases, as these oral explanations
22 of the Chief of Staff would later be distributed to the
23 various commanders in written form.
24
25

L
e
f
f
e
r
&
K
a
p
l
e
a
u

1 Q You didn't know, then, that a conference was
2 held at Penang on 23 February 1944 in which plans were
3 laid down by the Japanese Southwest Area Fleet for
4 activities in the Indian Ocean?

5 A I have no knowledge of any such conference.

6 Q You didn't know that at such a conference
7 it was suggested that should a ship of the Allies be
8 captured and/or sunk, only prisoners essential for
9 the giving of information were to be brought back
10 and the remainder were to be executed?

11 THE PRESIDENT: Mr. Roberts.

12 MR. ROBERTS: The witness has twice answered
13 he knew of no such conference. This is simply a repe-
14 tition of the same question. As to what happened there,
15 of course he had no knowledge; he knew nothing of the
16 conference.

17 THE PRESIDENT: In view of his previous answers,
18 it is futile to put these questions, Captain Robinson.

19 CAPTAIN ROBINSON: If the Court please --

20 THE PRESIDENT: There is no need to remind us
21 of your evidence in that matter. We realize you had
22 a duty to put some of these matters to him. But he has
23 so indicated his attitude that it is futile to do any
24 thing more than you have done.

25 CAPTAIN ROBINSON: Those questions, if the

1 Court please, were preparatory to this final question,
2 which, I think, will show the purpose of the preceding
3 questions.

4 THE PRESIDENT: What you have prepared has
5 nothing to do with the matter. The fact is he has
6 answered you in such a way that you cannot hope to
7 get any affirmative reply from him.

8 CAPTAIN ROBINSON: This is not a matter relat-
9 ing to our evidence, if the Court please. I am simply
10 laying a foundation.

11 THE PRESIDENT: Laying a foundation for what?
12 Do you want him to confirm your own evidence?

13 A majority of the Court are against allowing
14 you to further question along this line. The objec-
15 tion is upheld in the interest of time saving as well
16 as any other interests.

17 BY CAPTAIN ROBINSIN:

18 Q Mr. Witness, had you heard of the sinking of
19 the British ship BEHAR and the execution of 65 sur-
20 vivors of that sinking?

21 A I don't know.

22 Q You had not heard of the protest of the
23 British Government at the sinking of the BEHAR and the
24 atrocity execution of its survivors?

25 A No, I have never.

1 Q And you don't know, then, that the execution
2 of the plan of the Southwest Area Fleet consisted in
3 the sinking of the BEHAR?

4 THE PRESIDENT: You have complied long ago
5 with all the requirements of fairness to the witness.

6 CAPTAIN ROBINSON: If the Court please, the
7 prosecution would like to refer the Tribunal to the
8 evidence referred to in the questions in exhibit 2104,
9 record page 15,182. That has to do with the BEHAR.

10 THE PRESIDENT: Mr. Roberts.

11 CAPTAIN ROBINSON: I cite the case of the
12 NICOLLET --

13 THE PRESIDENT: We want to hear Mr. Roberts.

14 MR. ROBERTS: I want to object to any summa-
15 tion by the prosecution at this time. I think there
16 is a proper place for it, but this is not the proper
17 place or the proper time.

18 THE PRESIDENT: Objection overruled.

19 CAPTAIN ROBINSON: The NICOLLET citation is
20 exhibit 2087 and 2088, record pages 15,140, 15,145,
21 and the testimony of the survivor McDougall, record
22 page 15,109.

23 THE PRESIDENT: Mr. Roberts.

24 MR. ROBERTS: I have no further questions.

25 May the witness be excused on the usual terms?

THE PRESIDENT: He is excused accordingly.

(Whereupon, the witness was excused.)

MR. ROBERTS: At this time there are certain documents referred to in the affidavit of the last witness.

I first want to offer for identification defense document No. 1943, which is a collection of the directives of the Imperial Headquarters.

CLERK OF THE COURT: Book entitled "Collected Volume of Headquarters Instructions, Volume II, Naval Section" will receive exhibit No. 3053 for identification only.

(Whereupon, the document above referred to was marked defense exhibit 3053 for identification.)

MR. ROBERTS: I offer in evidence defense document No. 1943, which is an excerpt from exhibit 3053 for identification. I tender this document, No. 1943, and at the same time defense document 1943-A.

THE PRESIDENT: Admitted on the usual terms.

CLERK OF THE COURT: Defense document 1943 will receive exhibit No. 3053-A, and defense document 1943-A will receive exhibit No. 3053-B.

(Whereupon, the documents above referred to were marked defense exhibit 3053-A and defense

1 exh'bit 3053-B, respectively, and received in
2 evidence.)

3 MR. ROBERTS: As to exhibit 3053-A, I just
4 want to refer to paragraph 6, subdivision 2 and 3,
5 page 4, which read as follows:

6 "2. Bases situated at the very head of front
7 lines shall be supplied by means of submarines or the
8 like combatant vessels if occasion demands.

9 "3. Every possible assistance shall be made
10 in transporting supplies to army units disposed on
11 outflung positions."

12 THE PRESIDENT: What bearing has that on any
13 possible issue?

14 MR. ROBERTS: On the question of inadequacy
15 of submarines because of the fact that they had to be
16 used for the transportation of supplies.

17 THE PRESIDENT: It may be relevant to show
18 that they were actually used in that way, but this
19 authorization is sheer nonsense.

20 MR. ROBERTS: These directives are merely to
21 corroborate the statements made by the previous witness
22 to that effect.

23 I offer for identification only defense
24 document No. 2208, which is a collection of orders of
25 the Imperial General Headquarters, Naval Department.

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: If the Tribunal please, Rule
3 6(b)1 has not been complied with with regard to this
4 excerpt.

5 MR. ROBERTS: This book has been deposited,
6 within the rules, more than seven days ago.

7 MR. TAVENNER: If the Tribunal please, this
8 document was served on the prosecution on the 29th day
9 of August and no notification give us of the filing
10 of it at any place where we could make an investiga-
11 tion of it.

12 THE PRESIDENT: The rule must be complied
13 with.

14 MR. ROBERTS: I believe the record will show
15 that I referred to this document when I called the other
16 documents to the attention of the prosecution last
17 week that they had been deposited in the Clerk's office.

18 MR. TAVENNER: Counsel refers to this docu-
19 ment as having been called to our attention at the
20 close of the session on Friday. If this document is
21 included in the three volumes that were handed to us,
22 we will waive the requirement; but if it is in any
23 different set of document, we would not be willing to
24 waive it.
25

MR. ROBERTS: It was among those mentioned.

1
2 THE PRESIDENT: You can solve that conundrum,
3 not the Court surely.

4 MR. TAVENNER: We ask that it be passed for
5 a few minutes to give us an opportunity to determine
6 the matter.

7 MR. ROBERTS: That will be satisfactory as
8 far as we are concerned.

9 THE PRESIDENT: Then, you will withdraw it
10 for the time being, Mr. Roberts?

1 MR. ROBERTS: Yes, sir.

2 I offer for identification only defense docu-
3 ment No. 1944, which is a Collection of Directives
4 from the Imperial General Headquarters, Naval Depart-
5 ment.

6 CLERK OF THE COURT: The book entitled,
7 "Collected Volume of Imperial Headquarters Instruc-
8 tions, Volume I, Naval Section," will receive exhibit
9 No. 3054 for identification only.

10 (Whereupon, the document above
11 referred to was marked defense exhibit
12 No. 3054 for identification.)

13 THE PRESIDENT: Mr. Tavenner.

14 MR. TAVENNER: If the Tribunal please, there
15 is a language problem involved in the translation of
16 this document. I am advised that it is Staff Direc-
17 tive No. 60 and not No. 50 as stated in his caption.

18 MR. ROBERTS: Yes. That is corrected in the
19 certificate attached to the document.

20 THE PRESIDENT: "50" is a typographical error?

21 MR. ROBERTS: Yes, sir.

22 I offer in evidence defense document No.
23 1944, which is an excerpt from exhibit No. 3054 for
24 identification.

25 THE PRESIDENT: Admitted on the usual terms.

1 CLERK OF THE COURT: Defense document 1944
2 will receive exhibit No. 3054-A.

3 (Whereupon, the document above
4 referred to was marked defense exhibit
5 No. 3054-A and received in evidence.)

6 MR. ROBERTS: I read exhibit No. 3054-A,
7 on page 3, paragraph 2, subdivision (d), (e), and
8 (f), on page 3:

9 "d. In the operations by surface craft it
10 shall be made a rule as far as possible that such
11 attack be preceded by duly processed visit and search,
12 and every possible endeavor shall be made to rescue
13 human lives if circumstances warrant the sinking of
14 the vessels.

15 "e. As a rule hostile vessels shall be cap-
16 tured and be brought to a port of Japan proper when-
17 ever possible. When such is not feasible captured
18 vessels shall be either made to sail to the nearest
19 friendly port or be destroyed after having taken
20 proper measures for the personnel and cargoes on
21 board.

22 "f. As a rule persons of armed forces, both
23 armed men and civilians, higher graded mariners, tech-
24 nicians, important government officials, and the like
25 who are belonging to enemy countries and the Chiang

1 Kai-shek regime shall be taken prisoners of war."

2 THE PRESIDENT: We note that it is dated the
3 1st of March, 1942.

4 MR. ROBERTS: That is correct.

5 We offer in evidence defense document No.
6 1455. This is a regulation dealing with the prisoners
7 of war, by which it is shown that the Navy had issued
8 instructions and procedure for dealing with prisoners,
9 and the handling of all prisoners was to be fair and
10 impartial.

11 THE PRESIDENT: It isn't what they said that
12 matters, it is what they did that matters.

13 However, you may prove these things for
14 whatever it is worth. We would assume, of course,
15 with the start of the war, they had all the rules
16 that should have been observed. before the Army and
17 the Navy and the Air Force.

18 MR. ROBERTS: This is to prove that, as far
19 as the central authorities are concerned, there was
20 no over-all plan or policy for destruction as charged
21 by the prosecution.

22 THE PRESIDENT: Admitted on the usual terms.

23 CLERK OF THE COURT: Defense document 1455
24 will receive exhibit No. 3055.
25

(Whereupon, the document above

1 referred to was marked defense exhibit
2 No. 3055 and received in evidence.)

3 MR. ROBERTS: I read exhibit No. 3055:

4 "REGULATIONS:

5 "THE TREATMENT OF PRISONERS OF WAR."

6 THE PRESIDENT: Oh, don't read all this, Mr.
7 Roberts.

8 MR. ROBERTS: I will refer only to certain
9 paragraphs:

10 "(Naval Ministerial Notification, No. 33,
11 17 February 1904 Amended by Notification No. 407,
12 1941)

13 "Article 5.

14 "In case a prisoner of war is guilty of an
15 act of disobedience he may be subjected to confinement,
16 binding or any other measures deemed necessary.

17 "In case a prisoner of war attempts desertion,
18 the force of arms may be used for its prevention, if
19 necessary.

20 "Article 5 - 2.

21 "A prisoner of war who attempts desertion or
22 performs undisciplined acts shall be subjected to dis-
23 ciplinary punishment.

24 "The preceding punishment shall be effected
25 according to the regulations stipulated in Naval

1 Disciplinary Punishment Ordinance, Art. 10-14, Art.
2 22-24, and Art. 31-36.

3 "The disciplinary punishment of a prisoner
4 of war shall be enforced by the chief of the naval
5 officials who is then in charge of the internment of
6 the said prisoner of war.

7 "Article 6.

8 "The naval commandant shall deliver
9 prisoners of war with their roster, the prisoners
10 of war journal, their articles kept under custody and
11 the inventory of these articles to a naval station,
12 minor naval station, or to the nearest naval author-
13 ities.

14 "Should the prisoners of war die during the
15 delivery, their roster, personal belongings, and all
16 other documents and articles shall be delivered.

17 "Article 9.

18 "Naval stations, minor stations or other
19 naval authorities, on receiving the delivery of
20 prisoners of war shall detain them in any temporary
21 camp available which has adequate facilities to pre-
22 vent them from desertion until such time as when trans-
23 portation or redelivery is possible.

24 "Article 15.

25 "Commanders-in-chief of naval stations,

1 Commanders-in-chief of minor naval stations or other
2 naval authorities shall hand over at the place desig-
3 nated prisoners-of-war under their care together with
4 the prisoners of war roster, prisoners of war journal,
5 prisoners of war articles under custody, inventory of
6 those articles and all other document to the army
7 authorities who are to receive the prisoners of war."

8 I next offer in evidence defense document No.
9 1456. This is a report on the prisoner of war admini-
10 stration made to GHQ by the Tokyo Central Liaison
11 Office. This shows that all the prisoners taken by
12 the Navy had to be turned over to the Army; that the
13 care of the prisoners by the Navy was only a temporary
14 measure until they were turned over to the Army.

15 THE PRESIDENT: Admitted on the usual terms.

16 CLERK OF THE COURT: Defense document 1456
17 will receive exhibit No. 3056.

18 (Whereupon, the document above
19 referred to was marked defense exhibit
20 No. 3056 and received in evidence.)

21 MR. ROBERTS: I read exhibit No. 3056, be-
22 ginning on page 6, marked "Enclosure 2:"

23 "ON POW'S CAMP ADMINISTRATION IN NAVY

24 "In principle, all prisoners of war captured
25 by the Navy were to be handed over to the Army; but

1 until such time, there were cases when they were
2 placed under temporary naval supervision in impro-
3 vided camps. At those camps, the prisoners of war
4 were placed under regulations of war based on inter-
5 national agreements, to be treated the same as regular
6 prisoners of war.

7 "Control of these temporary camps was effect-
8 ed along the following lines:

9 "1. (a) The name of each organization, which
10 had policy making or administrative authority or
11 responsibility with reference to such prisons:

12 "That party designated by the Commander-in-
13 Chief of a Major or Minor Naval Station or the Com-
14 mander of an operational force and which, for con-
15 venience, we shall here call A. (It was customary in
16 such cases to designate the commander of the defense
17 area in question.)

18 "A in his turn designated another party
19 (Usually a Junior Officer whom we shall here call B,
20 who commands a group of petty officers including
21 hygienist seamen and other necessary personnel) as
22 well as interpreters and other civilian employees whom
23 we shall, as a group, call C.

24 "(b) The exact limits of the authority or
25 responsibility of each such organization:

1 "A performs direct supervision over the
2 camp under orders from the Commander-in-Chief of a
3 Major or Minor Naval Station or the Commander of an
4 operational force.

5 "B carries out actual management of the
6 camp under orders from A concerning the supervision
7 of POW.

8 "C work under orders from B.

9 "(c) Re orders, status, regulations or
10 other sources of such authority or responsibility:

11 "A issues necessary instructions for the
12 direct supervision of the camp.

13 "B, on the basis of orders from A and with
14 his approval established necessary regulations for
15 the supervision of prisoners of was in Temporary
16 Camp."

17 That is the end.

18 I now refer to defense document No. 1648,
19 which has been introduced as exhibit No. 2983. This
20 is an excerpt from a Fleet Order. It constitutes
21 directions from the Minister of the Navy, so far as
22 the military administration was concerned, but it
23 shows he was under the jurisdiction of the Chief of
24 the Naval General Staff regarding the matter of
25 operations. I refer only to Articles 10, 11, and 31

1 in this exhibit.

2 THE PRESIDENT: Well, we have no documents
3 here. You are not going to read any part of it?

4 MR. ROBERTS: No, I am not.

5 I now call the witness TOMIOKA Sadatoshi.

6 MR. TAVENNER: May I ask defense counsel what
7 they propose to do about documents 1940 and 1941, which
8 have been skipped?

9 MR. ROBERTS: In view of the fact that they
10 are referred to in this witness' affidavit, they will
11 be introduced after this witness.

1 S A D A T O S H I T O M I O K A, called as a witness
2 on behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. ROBERTS:

6 Q Please state your name and address.

7 A My name is TOMIOKA Sadatoshi; my address
8 is No. 1792, Hiyoshi Honmachi, Kohoku-ku, Yokohama
9 City.

10 MR. ROBERTS: May the witness be shown
11 defense document No. 1945?

12 (Whereupon, a document was handed
13 to the witness.)

14 Q Please examine this document and tell us
15 whether or not it is your sworn affidavit.

16 A The Japanese affidavit is mine, undoubtedly.

17 Q Is it true and correct?

18 A Yes.

19 MR. ROBERTS: I offer in evidence defense
20 document No. 1945.

21 THE PRESIDENT: Admitted on the usual terms.

22 Read it after the recess, Mr. Roberts.

23 We will recess for fifteen minutes.

24 (Whereupon, at 1045, a recess was
25 taken until 1105, after which the proceedings

were resumed as follows:)

K
n
a
p
p
&
Y
e
l
d
e
n

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 CLERK OF THE COURT: Defense document
4 No. 1945 will receive exhibit 3057.

5 (Whereupon, the document above
6 referred to was marked defense exhibit
7 No. 3057.)

8 MR. ROBERTS: I read exhibit No. 3057:

9 "Q What post did you hold at the time you were
10 demobilized?

11 "A Chief of the First Division, Naval General
12 Staff.

13 "Q Give us a general outline of posts you
14 occupied after around December 1941?

15 "A From October 1940 to January 1943 Chief of
16 the 1st Section, Naval General Staff; from January
17 1943 to 5 November 1944 service on the seas and at
18 the front lines; after December 1944 Chief of the
19 First Division, Naval General Staff until the termina-
20 tion of war during which period I was promoted to
21 Rear Admiral in November 1943.

22 "Q What duties were you in charge of as Chief
23 of the 1st Section, Naval General Staff?

24 "A The 1st Section comes under the command of
25 the Chief of the First Division, Naval General Staff.

1 It takes charge of general military operations of the
2 Japanese Navy and my duties were to command the members
3 of the 1st Section and conduct the planning of general
4 military operations as well as drafting the orders
5 and instructions concerning the operations.

6 "Q In early October 1942, did you dispatch
7 Lieutenant Commander Sadatomo OKADA, Staff Officer of
8 Naval General Staff, to Kwajalein Island?

9 "A Not only to Kwajalein Island but few other
10 places.

11 "Q Please state the purpose of the mission,
12 areas dispatched to, etc.

13 "A In early October 1942 it was decided at
14 Imperial Headquarters to organize a combined inspection
15 party from both the army and navy with the purpose of
16 inspecting the front lines, mainly to re-examine the
17 defense projects in the Pacific Ocean area. They were
18 to be sent to Marshalls group, the Marianas group,
19 the Carolines group, the Solomons group, New Britain
20 Island, etc. From the Naval General Staff, I gave
21 orders to Sadatomo OKADA, who at the time was Lieuten-
22 ant Commander and Staff Officer, to be dispatched
23 to the above mentioned areas as member of the inspec-
24 tion party. He was my subordinate as staff member of
25 the 1st Section and was mainly in charge of defense

preparations. From the Navy Ministry, Kumataro

1 NAKAO, Commander and member of the Education Bureau,
2 was dispatched to go along with Staff Officer OKADA
3 as specialist because he was experienced in actual
4 defense preparations.

5 "Q Who gave orders to Sadatomo OKADA?

6 "A I gave the orders.

7 "Q Did you give the purpose and duties of the
8 mission to OKADA?

9 "A I, as Chief of the 1st Section, Naval
10 General Staff, personally and directly gave purpose and
11 duties at all times whenever a member of the Section
12 was sent out. In the case of OKADA, it was no excep-
13 tion, and I gave him purpose and duties of the mission.

14 "Q Did you give to OKADA orders for Vice-Admiral
15 ABE, Commander of Kwajalein Island, concerning
16 prisoners of war?

17 "A The 1st Section of the Naval General Staff
18 does not handle matters dealing with prisoners of war.
19 It was outside my competence and I have not given any
20 order or instructions.

21 "Q At the time, did you know that Vice Admiral
22 ABE, Commander of Kwajalein Island, held prisoners of
23 war in custody?
24

25 "A I did not know.

1 "Q Were there prisoners of war in the areas
2 where you dispatched OKADA at the time?

3 "A I knew by reports that there were prisoners of
4 war at the Fourth Fleet in Truk Island and at the 8th
5 Naval Base Corps in Rabaul.

6 "Q Vice-Admiral ABE has stated that he was in-
7 formed by Staff Officer OKADA that the disposition
8 of central authorities was to execute prisoners where
9 they were captured and not send them to Japan. Can
10 you recall anything related to his statement?

11 "A Nothing. It is something we never knew about.
12 Vice-Admiral ABE's statement differs greatly with the
13 Japanese Navy's official forms for forwarding orders.
14 In our navy, orders are issued in the form of telegrams
15 or documents other than giving oral orders directly to
16 the receiver. There is positively no form such as
17 forwarding an order orally through a third person. I
18 also do not know any case when an order or instruc-
19 tion was forwarded directly to a unit under the command
20 of a naval fleet from the naval General Staff without
21 first going through the fleet headquarters.

22 "Q What was the name of the unit stationed on
23 Kwajalein Island and what were its direct and immediate
24 system of command?

25 "A The 6th Naval Base Corps was stationed on

1 Kwajalein Island and at the time Rear Admiral Koso
2 ABE was commander. The unit was under the over-all
3 command of Vice-Admiral Shigemi INOUE, Commander in
4 Chief of the 4th Fleet.

5 "Q Give the procedure on how orders and instruc-
6 tions were forwarded from the Naval General Staff to
7 the Commander of Kwajalein Island.

8 "A Positively in no case would an order or in-
9 struction be sent directly to the Commander of Kwaja-
10 lein Island from the Naval General Staff.

11 "Orders and instructions issued by the Naval
12 General Staff are sent to headquarters of the Combined
13 Fleet. Normally they are forwarded to units under the
14 command of the Combined Fleet in the form of orders
15 from fleet headquarters itself. Exceptions are when
16 orders and instructions from the Naval General Staff
17 are concurrently sent to headquarters of the Combined
18 Fleet and to headquarters of the Fourth Fleet. There
19 are positively no precedents in the Japanese Navy when
20 an order was sent directly from the Naval General Staff
21 to the Commander of the 6th Naval Base Corps or when
22 headquarters of the Fourth Fleet merely acted as inter-
23 mediary in communicating an order to the Commander of
24 the 6th Naval Base Corps.

25 "Q Does the Navy Ministry ever give orders

directly to a member of the Naval General Staff?

1 "A No.

2 "Q When did Staff Officer OKADA return?

3 "A Approximately one month later after completing
4 the objects of the mission.

5 "Q Did you receive OKADA's report?

6 "A I did.

7 "Q Was there anything concerning the prisoners
8 of war on Kwajalein?

9 "A Nothing whatsoever.

10 "Q Where is OKADA now?

11 "A He was killed in action in the Philippines
12 on 26 December 1944. Kumataro NAKAO who accompanied
13 OKADA and a naval commander in rank at the time was
14 also killed in action on 16 May 1945 on board the
15 warship Haguro in the Malacca Straits.

16 "Q During the war have you ever participated in
17 planning operations for submarines and also drafting
18 orders, etc?

19 "A I have.

20 "Q What was the length of period?

21 "A From November 1941 to January 1943 and from
22 early December 1944 till the termination of war.

23 "Q During the war what course did the Japanese
24 Navy take in submarine warfare?
25

TOMIOKA

DIRECT

27,290

"A Classifying the course into roughly three stages, they were:

"(1) The period when they worked havoc on communication lines coordinating with fleet operations doing a side job.

"(2) The period when major force was devoted to destruct lines of communication.

"(3) The period when they engaged in menacing communication lines as well as supplying the advanced bases.

1 "Q State the change in each stage in opera-
2 tional policies for submarine warfare.

3 "A From the outbreak of war to June 1942 was
4 called the first stage of operation.

5 "The policy of operation for this period
6 was indicated to Commander in Chief of the Combined
7 Fleet YAMAMOTO by the Chief of Naval General Staff
8 in 'Imperial Headquarters Naval Command Instruction
9 No. 15'. It pointed out the course of submarine
10 operations in relation with general sea warfare in
11 the primary stages at the outbreak of war, and
12 items to be observed in dealing with shipping. This
13 was drafted on 30 November 1941 by order of the
14 Chief of the First Division, Naval General Staff in
15 preparation should war break out with the U. S.,
16 Britain and the Netherlands in the future.

17 "The plans of operation for this period
18 attached importance on offensive operations in the
19 southern regions and therefore in the Pacific Ocean
20 area, the primary object of submarine warfare was
21 to watch and pursue the movements of the U. S. fleets
22 and the destruction of communication lines was of
23 secondary importance.

24 "Operations for submarines attached to
25 forces operating in the south placed primary

1 importance on duties involving offensive operations
2 in the southern region and the destruction of com-
3 munication lines was of secondary importance.

4 "Especially, the sea communication line
5 destruction warfare in the Indian Ocean area had
6 been instructed to strengthen activities after opera-
7 tions in the southern region has reached a certain
8 stage. Furthermore, in performing the destruction
9 of communication lines the sentiment of the Japanese
10 Navy respecting human lives and abiding by warfare
11 laws and regulation is clarified in Imperial Head-
12 quarters Naval Department Instructions of 30 November
13 1941 and 1 March 1942. This policy has not been
14 altered throughout the whole period of the war.
15 The next period was called the second stage of
16 operations. It lasted from June 1942 to March 1943.
17 The characteristics of this period was putting
18 primary importance on destruction of maritime com-
19 munication lines.

20 "During the First Stage of Operations the
21 offensive strategy in southern areas reached a
22 definite stage and so importance was attached to com-
23 munication line destruction warfare. Cruisers and
24 other surface crafts were employed along with the
25 submarines to work havoc and confuse the enemy.

1 The bulk of the submarine force were allocated for
2 this purpose. Main water-areas for submarine attacks
3 were in the following order:

4 "(a) Southeastern coast of Africa and
5 northwestern part of the Indian Ocean.

6 "(b) Eastern coast of Australia and Cook's
7 Strait area.

8 "In the Pacific Ocean area the emphasis of
9 destructing communication lines was laid on sever-
10 ing the supply route to the U. S. forces in the
11 southern areas by blockading the communication sea
12 lanes between the U. S. and Australia.

13 "The operations for this period was indicated
14 to Commander in Chief of the Combined Fleet YAMAMOTO
15 from the Chief of Naval General Staff on 22 June
16 1942 as Imperial Headquarters Naval Command Instruc-
17 tion No. 107. It was drafted during my term of
18 office.

19 "The third stage of submarine warfare was
20 based on a policy issued on 25 March 1943. It was
21 planned and drafted by my successor Chikao YAMAMOTO
22 in the form of Imperial Headquarters Naval Command
23 Instruction No. 209. Characteristics of this order
24 are:
25

"(1) Emphasis of the operation was put on

1 destruction of maritime communication lines, which is
2 the same as in the second stage of operations.

3 "(2) Supplying advanced bases by using a
4 part of the submarine force.

5 "(3) Performing coordinated operations
6 with German submarines in the Indian Ocean area.

7 "What I have stated so far was the general
8 policy and changes of submarine operations adopted
9 by the Japanese Navy during the recent war.

10 "Q During the recent war, was an operation
11 policy either planned or indicated by the Imperial
12 Headquarters to annihilate the crew members except
13 for a few necessary to obtain information when sinking
14 enemy shipping by submarines?

15 "A Such a thing was never planned nor indicated
16 by Imperial Headquarters Naval Command Instructions.
17 If it were indicated, it should be recorded in the
18 file of Imperial Headquarters Naval Command Instruc-
19 tions. Not only is there no such record but this is
20 very far from the spirit of the Japanese Navy.

21 "Q Did the German authorities ever make any
22 such request?

23 "A Not when I was at the Naval General Staff.

24 "Q Have you ever read or heard about the First
25 Submarine Force Order issued by the Commander of the

1 First submarine Flotilla on 20 March 1943?

2 "A No, I haven't.

3 "Q What instructions did the Japanese Navy give
4 as regards respecting human life and abiding by
5 international law and regulation in submarine opera-
6 tions?"

7 THE PRESIDENT: Mr. Tavenner.

8 MR. TAVENNER: If the Tribunal please, due
9 to the taking up of these matters out of order on the
10 order of proof, the document referred to here has not
11 been offered in evidence and may be inadmissible.
12 Therefore, objection is made to this question and
13 answer until the directive involved is actually pro-
14 duced.
15

16 THE PRESIDENT: It is in the order of proof,
17 isn't it? Are you sure of that?

18 MR. TAVENNER: It is a little difficult to
19 say. I think it is, but that is the reason that I
20 want it cleared up.

21 THE PRESIDENT: You will proceed with the
22 reading, Mr. Roberts. There is no reason why he
23 should not read his affidavit. It has been ad-
24 mitted and we can consider your objection later when
25 the document comes.

MR. TAVENNER: Probably I should be more e

1 specific. The portion quoted here in the affidavit
2 does not appear in the order No. 15 which I have in
3 the order list.

4 MR. ROBERTS: That is defense document No.
5 1940 which will be introduced, together with a
6 certificate.

7 THE PRESIDENT: For the time being we take
8 your word for it, Mr. Roberts, so proceed.

9 MR. ROBERTS (Reading):

10 "A It was indicated in Imperial Headquarters
11 Naval Command Instruction No. 15 issued 30 November
12 1941 to the effect that, 'it is lawful to attack
13 unarmed enemy merchant ships only in waters 300
14 nautical miles from the enemy coastline and in the
15 area between Hawaii and the west coast of the U. S.
16 mainland. In other cases otherwise than above, un-
17 less circumstances are unavoidable, time must be
18 given for crew and passengers to seek safety.' As
19 for dealing with shipping of neutral countries,
20 instructions were given to take measures as provided
21 in international law and regulations with the excep-
22 tion of the four nations of Panama, Norway, Denmark
23 and Greece.

24
25 "Further in Imperial Headquarters Naval Com-
mand Instruction No. 60 issued 1 March 1942 it gave

1 instructions on the following points:

2 "(1) In performing operations on surface
3 shipping take formal procedures to the extent possible,
4 and always inspect the ship. However, due to un-
5 avoidable circumstances if the ship was sunk, en-
6 deavor to rescue human lives.

7 "(2) Capture hostile shipping whenever
8 possible and escort them to our port or harbor.

9 "However, if circumstances do not permit the
10 above, take expeditious measure and escort ship to
11 nearest port or harbor, or else dispose of the ship
12 after crew and cargo are removed.

13 "(3) Service men, civilians attached to
14 the armed services, merchant ship officers, techni-
15 cians and government high-ranking personnel of the
16 Chiang Kai-shek regime shall be arrested as prisoners
17 of war together with nationals of belligerent nations.

18 "In this war, considerable attention was
19 devoted in respecting human lives and to abide by
20 international law and regulations."
21

22 At this time I offer for identification
23 defense document No. 1940 which is a collection of
24 directives of the Imperial General Headquarters Navy
25 Department.

CLERK OF THE COURT: The volume entitled

1 "Collective Volume of Imperial General Headquarters
2 Instructions, Naval Section" will receive exhibit
3 No. 3058 for identification only.

4 (Whereupon, the document above
5 referred to was marked defense exhibit No.
6 3058 for identification only.)

7 MR. ROBERTS: I offer in evidence defense
8 document 1940, which is an excerpt from exhibit
9 3058 for identification. This is only a partial
10 document; the annex referred to therein is covered
11 by a certificate in defense document 2294 which will
12 also be offered.

13 THE PRESIDENT: Where is 2294? Is it on this
14 order of proof?

15 MR. TAVENNER: It is not on our order of
16 proof.

17 THE PRESIDENT: It is not on mine.

18 MR. ROBERTS: It is on the additional order
19 of proof which accompanied the original order of
20 proof dated August 28.

21 MR. TAVENNER: We do not know anything about
22 it.

23 THE PRESIDENT: It is not on any order of
24 proof given to me.

25 MR. ROBERTS: This is a certificate

1 concerning the loss of some of the instructions by
2 fire, and I shall be glad to recall it and offer it
3 after the recess so that we can locate it.

D
u
d
a
&
S
p
r
a
t
t

1 THE PRESIDENT: Mr. Tavenner.

2 MR. TAVENNER: If the Tribunal please, I am
3 not objecting to the offering of defense document
4 1940, but in my objection a moment ago to the last
5 question and answer on page 10 of the present wit-
6 ness' affidavit, I called attention to the fact that
7 the material cited there does not appear in any draft
8 of rule 15 or instruction 15 which appears on the
9 order list. I understood that counsel assured us that
10 this quotation was contained in a document which he
11 would presently present.

12 THE PRESIDENT: He gave us his word that it
13 was in 1940, and it is not; but he may have had some
14 other document in mind.

15 MR. TAVENNER: On the basis of this document
16 I desire to renew my objection to the matter appear-
17 ing on page 10 of the witness' affidavit, and I will
18 withdraw it if he produces a document in compliance
19 with his statement.

20 MR. ROBERTS: When we read defense document
21 1940 it will disclose a reference to an annex concern-
22 ing the policy of the navy. The document
23 that I referred to as 2294 covers the annex and the
24 information contained in the affidavit.

25 MR. ROBERTS: I would like to proceed to have

1 the 1940 marked and read that, and then the other
2 document can be offered after the Clerk obtains copies
3 of 2294.

4 MR. TAVENNER: The prosecution will waive
5 service of the document 2294 and suggest that he
6 proceed to treat it along with 1940 so that we will
7 know what the situation is.

8 THE PRESIDENT: Document 1940 is admitted
9 on the usual terms.

10 CLERK OF THE COURT: Defense document 1940
11 will receive exhibit No. 3058A.

12 (Whereupon, the document above
13 referred to was marked defense exhibit
14 No. 3058A and received in evidence.)

15 MR. ROBERTS: I read exhibit 3058A.

16 "Naval General Staff Directive No. 15 (gist).
17

18 "Date: November 30, 1941.

19 "From: Chief of Naval General Staff, Admiral
20 NAGANO, Osami.

21 "To: Commander-in-Chief of Combined Fleet,
22 Admiral YAMAMOTO.

23 "In case when war breaks out with the United
24 States, the British Empire, and the Kingdom of the
25 Netherlands, the policy stated in the annex shall be
the guide to the conduct of the sea communication

TOMIOKA

DIRECT

1 destruction warfare for the time being."

2 At this time I offer a certificate, being
3 defense document No. 2294, which covers the material
4 set forth in the annex.

5 MR. TAVENNER: I understand the Clerk does
6 not have a copy of this for distribution to the
7 Members of the Tribunal, but will the Tribunal waive
8 that requirement in order to get to an end of this
9 matter?

10 MR. ROBERTS: We can have this after lunch,
11 and I suggest that we forego it until that time. In
12 the meantime, I will proceed with something else.

13 MR. TAVENNER: I have one copy here of my
14 own, which I will be very glad to hand to the Tribunal.

15 THE PRESIDENT: What does it say?
16

17 MR. TAVENNER: The point is that there is
18 nothing contained in this document either relating to
19 the quotation appearing in the affidavit. That is the
20 only point I make.

21 THE PRESIDENT: What is it, a certificate --

22 MR. ROBERTS: A certificate; that is correct.

23 THE PRESIDENT: -- that the document is lost?

24 MR. ROBERTS: It refers to that number; that
25 is right. It was destroyed during an air raid May 25,
1945.

1 THE PRESIDENT: So you want to give secondary
2 evidence?

3 MR. ROBERTS: That is correct.

4 THE PRESIDENT: Well, I do not suppose we
5 will insist on copies of the certificate, but what is
6 in the certificate?

7 MR. ROBERTS: I would like, after it is
8 marked, to read it.

9 THE PRESIDENT: Admitted on the usual terms.

10 CLERK OF THE COURT: Defense document 2294
11 will receive exhibit No. 3059.

12 (Whereupon, the document above
13 referred to was marked defense exhibit
14 No. 3059 and received in evidence.)

15 THE PRESIDENT: Read the material parts,
16 please.

17 MR. ROBERTS (Reading):

18 "2. The original of 'Instructions, Navy
19 Department, Imperial Headquarters,' which were issued
20 during the Pacific War, were in the custody of the
21 Adjutants' Office, Navy Department, Imperial Head-
22 quarters, but was lost by fire during an air raid by
23 American planes which lasted from the midnight of
24 May 25, 1945 until the dawn of the following day."

25 THE PRESIDENT: Who gave that certificate?

1 MR. ROBERTS: YOSHI, Michinori.

2 THE PRESIDENT: The connection with this
3 particular document is very vague, is it not?

4 MR. ROBERTS: I have not completed reading
5 the specific description of the document.

6 "3. Since then a set of copies of the said
7 Instructions which were kept at the First Department
8 of the Naval General of Staff have been used in place
9 of the original, and are at present being kept and
10 used by the Historical Section of the Material Prepa-
11 ration Department. But among these copies, those issued
12 in 1941, i. e., the Instructions No. 1 to No. 35 were
13 destroyed during the above-mentioned air raid and are
14 not in existence."

15 You may cross-examine.
16
17
18
19
20
21
22
23
24
25

1 CAPTAIN ROBINSON: Mr. President and Members
2 of the Tribunal.

3 THE PRESIDENT: Captain Robinson.

4 CROSS-EXAMINATION

5 BY CAPTAIN ROBINSON:

6 Q Mr. TOMIOKA, in regard to your statement
7 that you did not know that Vice-Admiral ABE held
8 prisoners of war in custody at Kwajalein -- prisoners
9 who were later executed there -- had not Admiral ABE
10 been asking navy headquarters at Tokyo to take these
11 prisoners to Tokyo?

12 A The First Section of the Naval General Staff
13 had no knowledge of such matters. The First Section
14 of the Naval General Staff did not handle POW affairs.

15 Q You did have charge of defense matters,
16 however?

17 A The matters relating to prisoners of war
18 were handled by the Navy Ministry.

19 Q Will you please answer my question?

20 A The First Section handled operational plans.

21 CAPTAIN ROBINSON: Will you please read the
22 question to the witness so I will have his answer?

23 A Although the word "defense" is very broad
24 and I do not know exactly what you mean--

25 THE MONITOR: Strike out "although."

1 A (Continuing) The word "defense" is so broad
2 that I am not sure what you mean.

3 Q When it was considered that prisoners of war
4 held at Kwajalein or Truk or Wake constituted defense
5 problems, did their disposition not come before the
6 competence of your section?

7 A The presence of prisoners of war on these
8 islands had nothing to do with the problem of their
9 defense. Prisoners of war were to be handled in
10 accordance with set regulations.

11 Q Well, the reasons given by the local island
12 commanders, Japanese commanders, for executing the
13 prisoners were that they constituted a defense problem
14 which required their execution. Is that not true?

15 A I cannot judge on those matters.

16 Q You state that you did know by reports that
17 there were prisoners of war at Truk and in Rabaul.
18 How does it happen you knew about those prisoners but
19 did not know about the prisoners at Kwajalein?

20 A I do not recollect whether there were any
21 reports or not.

22 Q At the top of page 4 of your affidavit you
23 state: "I knew by reports that there were prisoners
24 of war at the Fourth Fleet in Truk Island and at the
25 Eighth Naval Base Corps in Rabaul." Is that not true?

1 A Yes, I did know because I remember those
2 reports.

3 Q And how does it happen you did not remember
4 the report in regard to Kwajalein?

5 A It is impossible for me to remember all the
6 reports coming in from all the areas of fighting
7 which covered a wide range.

8 Q But reports did come in, then, to your section
9 in regard to prisoners of war on various Pacific
10 islands?

11 A Reports on prisoners of war came in attached
12 to reports on fighting. But there were times when
13 such reports did not come with the combat reports.

14 Q And is it not true that navy headquarters
15 received Admiral ABE's report of the execution of
16 these fliers at Kwajalein as transmitted by him to
17 commander of Fourth Fleet at Truk?

18 A I do not know.

19 Q At page 8, middle of the page, you state
20 that cruisers and other surface crafts were employed
21 along with the submarines to work havoc and to confuse
22 the enemy in the Indian Ocean. In that reference,
23 were you including reference to the operations such
24 as the Indian Ocean operation conducted by the
25 Cruiser Tone and other craft there in February and

1 March, 1944?

2 A I believe you mentioned the year 1944, is
3 that correct?

4 Q That is correct.

5 A I know nothing about the year 1944; about
6 what happened in that year.

7 Q May that, then, account for the question
8 which you made at page 10, where you state that you
9 have never read or heard of the First Submarine Force
10 order issued on 20 March 1943? May we attribute your
11 lack of knowledge of this order to the fact that you
12 had been relieved as chief of the First Section in
13 1943?

14 A That is so. Since I left my post in January,
15 1943, I know nothing of what occurred after that date.

16 CAPTAIN ROBINSON: That concludes the cross-
17 examination, if the Court please.

18 I should like to refer the Court to exhibits
19 2055-A and 2055-C and the record at page 15,019 and
20 15,028.

21 One further question, if the Court please.

22 Q Directing your attention to your answer at
23 the bottom of page 10 in regard to "Imperial Headquarters
24 Naval Command Instruction No. 15 to the effect that..."
25 with some quotes following, that statement by you is

1 merely your recollection of what may have been con-
2 tained in that order; is that correct?

3 A Yes, that is my recollection.

4 CAPTAIN ROBINSON: That is all.

5 THE PRESIDENT: Mr. Roberts.

6 MR. ROBERTS: No further questions. May
7 the witness be excused on the usual terms?

8 THE PRESIDENT: He is excused accordingly.

9 (Whereupon, the witness was excused.)

10 THE PRESIDENT: When do you expect to finish
11 this general phase, Mr. Roberts?

12 MR. ROBERTS: I anticipate finishing mine by
13 the end of the day.

14 THE PRESIDENT: But there are other subphrases?

15 MR. ROBERTS: Mr. Freeman will continue when
16 I finish and will probably take another day or so.

17 THE PRESIDENT: What is your next evidence?

18 MR. ROBERTS: I should like to re-offer at
19 this time defense document No. 2208. I understand
20 the prosecution has already examined the basic document.

21 THE PRESIDENT: We will adjourn until half-
22 past one.

23
24 (Whereupon, at 1200, a recess was
25 taken.)

- - -

W
o
l
f
&
L
e
f
f
l
e
r

AFTERNOON SESSION

1
2 The Tribunal met, pursuant to recess, at
3 1335.
4

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: With the permission of the
8 Tribunal, the accused KIMURA is conferring with his
9 counsel and will be so doing all the afternoon.

10 Mr. Tavenner.

11 MR. TAVENNER: If it please the Tribunal,
12 the date of this document is not shown on its face.
13 We have examined the original, and it does not appear
14 on the original. We would be willing to stipulate
15 with counsel the date of the executive order 281,
16 which preceded it, and the date of 283 which followed
17 it, in order to get the dates between which this in-
18 struction was issued.

19 MR. ROBERTS: The date was given as October 4,
20 1943, in the affidavit read, now exhibit No. 3052.

21 I tendered this defense document, and I ask
22 now that it be received in evidence.

23 THE PRESIDENT: Well, just what is your
24 attitude, Mr. Tavenner?
25

MR. TAVENNER: This document having been

1 undated, we were uncertain --

2 THE PRESIDENT: Yes, I understand that.

3 MR. TAVENNER: We waive rule 6-B-1 as far
4 as this document is concerned.

5 MR. ROBERTS: In view of the fact that this
6 is an excerpt, I want to offer first the book, which
7 is defense document No. 2208, for identification only.

8 MR. TAVENNER: The prosecution has no ob-
9 jection to its introduction now.

10 THE PRESIDENT: Admitted on the usual terms.

11 CLERK OF THE COURT: The book entitled,
12 "Imperial Headquarters Naval Orders, Part III," will
13 receive exhibit No. 3060 for identification only, the
14 excerpt therefrom being defense document 2208 will
15 receive exhibit No. 3060-A.

16
17 (Whereupon, the document above
18 referred to was marked defense exhibit
19 No. 3060 for identification; the excerpt
20 therefrom being marked defense exhibit
21 No. 3060-A and received in evidence.)

22 MR. ROBERTS: I read exhibit No. 3060-A:

23 "Directive No. 282, Naval Department.

24 "Imperial General Headquarters.

25 "From: NAGANO Osami, Chief of the Naval
General Staff.

1 "To: KOGA, Commander-in-Chief of the Com-
2 bined Fleet.

3 "It is directed that the following items
4 should be adhered to in executing submarine operations
5 in the Indian Ocean:

6 "1. The boundary between the operation
7 area of the submarines of the Imperial Japanese Navy
8 and that of the German submarines is set on the
9 longitudinal line of seventy (70) degrees east as a
10 general rule, the east side of it being allocated to
11 Japan and the west of it to Germany.

12 "In case of necessity, however, they can
13 operate anywhere irrespective of this boundary.

14 "2. The submarines operating in the Indian
15 Ocean are forbidden to make any anti-submarine attack."

16 At this time, I offer for identification only
17 defense document No. 1941. This is a collection also
18 of the directives of the Imperial General Headquarters.
19 I believe it has already been marked, has it not, in
20 the same volume as 1943 and is now exhibit 3054 for
21 identification?

22 THE PRESIDENT: Why is it 3061-A?

23 MR. ROBERTS: The book is marked 3054 for
24 identification, and I believe the other documents are
25 marked 3054-A. This may be marked 3054-B, as an

1 excerpt from the same two volumes.

2 THE PRESIDENT: Admitted on the usual terms
3 as 3054-A.

4 MR. ROBERTS: It should be B, if your Honor
5 please.

6 THE PRESIDENT: Exhibit 3054-B.

7 (Whereupon, the document above
8 referred to was marked defense exhibit
9 No. 3054-B for identification.)

10 MR. ROBERTS: This was introduced because of
11 the references in the affidavit of the last witness,
12 and I do not think there is any need to read it at
13 this time.

14 THE PRESIDENT: Mr. Tavenner.

15 MR. TAVENNER: If it please the Tribunal,
16 as counsel has decided not to read this document, I
17 feel it is necessary to call one sentence to the Tri-
18 bunal's attention if I may be permitted to do so.

19 THE PRESIDENT: Just refer to the number of
20 the clause. It is numbered, I would imagine.

21 MR. TAVENNER: It is the last sentence on
22 page 3, and if I may be permitted, I will give other
23 references to the same matter. This same directive is
24 referred to in the witness YAMAMOTO's testimony, ex-
25 hibit No. 3052, and also TOMIOKA's testimony, exhibit

1 3057, and is the same as exhibit 3054-A.

2 THE PRESIDENT: Mr. Roberts.

3 MR. ROBERTS: I am not sure whether there is
4 a misunderstanding. The prosecutor seems to say that
5 it is the same document as 3054-A or from the same
6 directives.

7 MR. TAVENNER: If the Tribunal please, the
8 directive referred to as having been abolished is the
9 same as document 3054-A and the same which was referred
10 to in the testimony of the two witnesses that I mention-
11 ed.

12 MR. ROBERTS: And, the Court is referred to
13 the affidavit of TOMIOKA in so far as the order is
14 concerned, referring to the question of the survivors
15 of submarines.

16 I now call the witness OHASHI Tatsuo.
17
18
19
20
21
22
23
24
25

1 T A T S U O O H A S H I, called as a witness on
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as
4 follows:

5 DIRECT EXAMINATION

6 BY MR. ROBERTS:

7 Q Please state your name and address.

8 A My name is OHASHI Tatsuo; my address is 57,
9 4-Chome Den en chofu, Oota War, Tokyo City.

10 MR. ROBERTS: May the witness be shown
11 defense document No. 1954?

12 (Whereupon, a document was handed
13 to the witness.)

14 Q Please examine this document and tell us
15 whether or not it is your sworn affidavit.

16 A This is my affidavit.

17 Q Is it true and correct?

18 A It is true and correct.

19 MR. ROBERTS: I offer in evidence defense
20 document No. 1954.

21 THE PRESIDENT: Admitted on the usual terms.

22 CLERK OF THE COURT: Defense document 1954
23 will receive exhibit No. 3061.

24 (Whereupon, the document above
25 referred to was marked defense exhibit

No. 3061 and received in evidence.)

1 MR. ROBERTS: I shall read exhibit No.
2 3061:

3 "Q What was your rank at the time of the Surrender?

4 "A Rear-Admiral in the Reserves.

5 "Q Please give a short history of your service
6 in the Navy.

7 "A I served as submarine captain, commander of
8 a submarine squadron, as a staff member of the submarine
9 section of the Kure Arsenal, 1st and 2nd Section Chief
10 of the Kure Military Supplies Section, Captain of the
11 submarine tender Hoshima. In August 1941 (Showa 16)
12 I was appointed Commander of the 14th Gunboat Squadron
13 and in April 1942 (Showa 17) was relegated to the re-
14 serves. On the very same day of my relegation however,
15 I was recalled into service. During the Pacific War
16 I held the following posts:

17 "From May 1942 (Showa 17) till September 1943
18 (Showa 18), Captain of the Rio de Janeiro Maru.

19 "From September 1943 (Showa 18) till December
20 1943 (Showa 18), Commander of the Rio de Janeiro Maru.
21 (The same boat having been converted into a transport.)

22 "From March 1944 (Showa 19) till January 1945
23 (Showa 20), Transport Commander of 1st Escort Fleet.

24 "From January 1945 (Showa 20) till the Sur-
25 render, Naval Attache at Moji.

1 "Q What type of ship was the Rio de Janeiro Maru?

2 "A She was a diesel-engined passenger-transport
3 ship displacing 10,000 tons and capable of a maximum
4 16 knots, owned by the Osaka Shosen (O.S.K.) which had
5 assigned her to its South American Service. The Navy
6 had conscripted this ship and had converted her into
7 an auxiliary submarine tender.

8 "Q What was the outward aspect of the ship?

9 "A She was a two-masted, single-funneled ship of
10 the passenger type. The upper parts of the masts and
11 of the funnel were painted green, the rest of the ship
12 being painted grey.

13 "Q Why were such colors adopted?

14 "A It was to avoid long-range detection by enemy
15 submarines.

16 "Q Please give an account of the activities of
17 the Rio de Janeiro Maru after you assumed her command.

18 "A In April 1942 she sailed to Kwajelin there to
19 stand by for the Midway operation, but in June of the
20 same year she returned to Sasebo. After leaving Sasebo
21 for Penang in July of the same year, she was attacked
22 by an enemy submarine en route off the coast of French
23 Indo-China and damaged. She entered Singapore harbor
24 for repairs. On completion of repairs in December
25 1942 she sailed for Surabaya.

1 "From January till October 1943 she was
2 occasionally engaged in transport duty, using Surabaya
3 as base for her activities.

4 "Q Why was she used for transport duty?

5 "A As Surabaya was a submarine base, unless
6 submarines required use of advanced bases, there was
7 no need for tenders. On the other hand there was a
8 shortage of ships.

9 "Q What did she transport?

10 "A Personnel and military supplies.

11 "Q Would weapons and ammunition be included in
12 the above?

13 "A Of course they would be included.

14 "Q In what areas did she operate?

15 "A In Java, Borneo, Celebes, New Guinea, Anbon,
16 the Philippines, the Small Sunda Archipelago, Timor etc.

17 "Q Did you ever transport patients?

18 "A No, never.

19 "Q When did you touch Anbon?

20 "A The 1st time was in the middle of January 1943.
21 If I remember rightly, we touched at that port about
22 twice between that time and March of the same year.

23 "Q What was the object in stopping at Anbon?

24 "A It was for purposes of local transportation
25 of personnel and military supplies.

1 "Q For approximately how many days did you
2 anchor at Anbon when you stopped there?

3 "A Always for a day or two.

4 "Q Were POW's used by the local troops in the
5 loading and unloading of freight?

6 "A I do not remember.

7 "Q Did you ever take patients aboard at Anbon?

8 "A Never.

9 "Q What approximately was the crew of the Rio
10 de Janeiro Maru?

11 "A Approximately 300.

12 "Q Was the crew armed?

13 "A The necessary personnel were armed.

14 "Q Under what command was the Rio de Janeiro Maru
15 subordinate?

16 "A In April 1942 she was under the direct command
17 of the Combined Fleet, and belonged to the 5th Submarine
18 Squadron. But from June 1942 onwards she was attached
19 to the Submarine Unit of the South-Western Fleet.

20 "Q What happened to the Rio de Janeiro Maru after
21 September 1943?

22 "A As in September 1943 she was turned over to
23 the auxiliary transport category, she was sent back
24 to the Japanese mainland for refitting.

25 "After that for a time she was in the Harima

1 Dockyards being refitted. I hear that she was sunk in
2 Truk in February 1944 after completion of the refitting.
3 I left her in December of the same year."

4 THE PRESIDENT: That can't be right. That
5 can't be December, 1944. She was sunk then.

6 MR. ROBERTS: I think he meant of the previous
7 year, 1943.

8 (Reading continued):

9 "Q Did the Rio de Janeiro Maru ever assume the
10 Red Cross insignia during the time you were aboard her?

11 "A No, she never did.

12 "When I read in the papers that an Australian
13 POW or it may have been a POW of another nation, stood
14 as a witness in the International Tribunal to testify
15 that the Rio de Janeiro Maru had used the Red Cross
16 sign at Anbon, I could not help but wonder how such a
17 mistake had been possible.

18 "Q Was there a naval hospital ship by the name
19 of Rio de Janeiro Maru?

20 "A I never heard mention of such a ship.

21 "Signed the 10th day of July, 1947."

22 You may cross-examine.

23 THE PRESIDENT: Commander Cole.

24 COMMANDER COLE: I desire to point out to the
25 Tribunal the prosecution testimony relating to the

1 matters testified by this witness appears at pages
2 13,990 and 14,023 of the record.

3 There will be no cross-examination.

4 MR. ROBERTS: May the witness be excused on
5 the usual terms?

6 BY THE PRESIDENT:

7 Q Did the Rio de Janeiro ever transport prisoners
8 of war?

9 A Yes, it has.

10 Q When was that?

11 A I forgot the month. It was in 1943. I believe
12 it was probably either June or July of that year.

13 REDIRECT EXAMINATION

14 BY MR. ROBERTS:

15 Q Do you know between what ports?

16 A Although we had originally planned to transport
17 them from Makassar to Surabaya, just before entering
18 Surabaya Harbor we found that the harbor had been mined
19 and therefore we changed our course and landed them in
20 Batavia.

21 MR. ROBERTS: May the witness be excused on
22 the usual terms?

23 BY THE PRESIDENT:

24 Q Was there anything to indicate on the ship
25 itself that she was carrying prisoners of war?

A No.

1 THE PRESIDENT: That will do, thank you, You
2 are excused on the usual terms.

3 (Whereupon, the witness was excused.)
4

5 - - - -

6 MR. ROBERTS: We call now the witness OKOCHI,
7 Denshichi.
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 D E N S H I C H I O K O C H I, called as a witness
2 on behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. ROBERTS:

6 Q Please state your name and address.

7 A My name is OKOCHI, Denshichi; my address 335
8 Minami Sazoku-cho, Ota-ku, Tokyo.

9 MR. ROBERTS: May the witness be shown defense
10 document No. 1607.

11 (Whereupon, a document was handed to
12 the witness.)

13 Q Please examine this document and tell us whether
14 or not it is your sworn affidavit.

15 A This is my affidavit. However, in section two
16 and section three I have employed the words "land oper-
17 ations."

18 THE INTERPRETER: The witness used the word
19 "rikujo" in Japanese and corrected that to "chijo."
20 They both mean land. However, Chijo may be translated
21 "ground."
22

23 Q Is the affidavit otherwise true and correct?

24 A That is so.

25 MR. ROBERTS: I offer in evidence defense
document No. 1607.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Defense document 1607
3 will receive exhibit No. 3062.

4 (Whereupon, the document above re-
5 ferred to was marked defense exhibit No. 3062
6 and received in evidence.)

7 MR. ROBERTS: I read exhibit No. 3062:

8 "1. I am a former Vice-Admiral.

9 "2. On 2 November 1944, I arrived in Manila
10 and assumed my duties as Commander-in-Chief of the
11 South-Western Area Fleet and concurrently of the Third
12 Southern Expeditionary Fleet.

13 "However, by the latter part of December, 1944,
14 we had lost the greater part of our naval force and our
15 air power too had diminished considerably.

16 "Consequently, after that, I took command of
17 the remnants of the (naval) units ashore, but in the
18 Philippines Area even these units were soon placed under
19 the command of the Army as far as their land operations
20 were concerned. Therefore, I merely directed and super-
21 vised personnel affairs and accounts.

22 "3. In January, 1945, when U.S. forces
23 commenced landing operations at Lingayen, I left Manila
24 on the 5th and moved to Bagio. This was due to circum-
25 stances which arose from the necessity of taking command

1 of over-all military operations. The naval forces left
2 behind in Manila at that time were placed under the
3 Command of General YAMASHITA as far as land operations
4 were concerned, from zero hours, 6 January. After that
5 I was only able to give moral encouragements indirectly,
6 for I no longer possessed authority to take command
7 over naval landing forces in land warfare.

8 "4. From then on, all communication between
9 us and the forces in Manila was made by wireless. As
10 time elapsed the efficiency of the wireless communication
11 greatly decreased, but still it was continued for a
12 considerable time. The progress of the battles in Manila
13 was therefore reported to me as well as to General
14 YAMASHITA. With the information I then received, I was
15 able to picture the desperate situation of the Japanese
16 units in Manila when the U.S. forces besieged the city.
17 From what I can recall today, I shall mention a few
18 examples.

19
20 "(1) Enemy shelling and bombing were extremely
21 intense and the whole area was completely devastated.

22 "(2) Guerrilla activities were intensified
23 and even women and children harassed our forces, greatly
24 hindering our operations.

25

B
a
r
t
o
n
&
K
a
p
l
e
a
u

"(3) Ammunition ran short.

"Thus, externally, our forces faced the furious gunfire of the U. S. forces, while internally they were harassed by guerrillas. It was evident that our units were fighting under great difficulty and disadvantage. Around 20 February, communication with Manila was completely cut, and I judged that the entire garrison in Manila had been killed.

"5. Besides the progress of the battle in general as I have stated above, details as to the internal condition of our units were entirely unknown and the so-called 'Manila atrocities' were something I did not even dream of.

"About 13 April a message from Tokyo in the name of the Vice-Minister for the Navy was received, which said, 'Spain has recently severed diplomatic relations with Japan on the ground that Japanese troops massacred Spanish nationals in the battle of Manila. Report on the matter is requested.'

"It was the first time that I felt some incident must have occurred.

"However, since all personnel involved in the alleged incident had been killed, there was no way for us to conduct an investigation. I also enquired of the Army Headquarters under General YAMASHITA, but they

1 too did not know anything about the incident and
2 therefore I cabled a reply to Tokyo to that effect.

3 "As I have stated, the Manila Incident with-
4 out either General YAMASHITA's or my knowledge.

5 "I learned about the particulars of the
6 incident for the first time after the surrender, from
7 the indictment against General YAMASHITA."

8 "Dated this 15th day of March, 1947."

9 Counsel for MUTO, Mr. OKAMOTO, would like
10 to conduct further examination.

11 THE PRESIDENT: Yes, counselor.

12 DIRECT EXAMINATION (Continued)

13 BY MR. S. OKAMOTO:

14 Q In the first paragraph, that is, paragraph
15 No. 1, you employed the words rikujo sakusen, meaning
16 "land operation" or "ground operation," whereas in
17 paragraph 3 you use the words chijo as well as rikujo --
18

19 THE MONITOR: Rikujo sakusen and rikujo sento."

20 Q (Continuing) There seems to be some ambiguity
21 about that expression.

22 THE PRESIDENT: It is quite immaterial, in
23 any event. Nothing turns on it, and you have made the
24 correction.

25 MR. S. OKAMOTO: What I should like to clarify
is the difference of the meaning between the two words.

1 I should like to know whether rikujo sakusen is not
2 an operation which is narrower in scope than rikujo
3 sento.

4 THE MONITOR: Correction, please. "I should
5 like to ask whether or not rikujo sento is an opera-
6 tion of a narrower scope than rikujo sakusen.

7 THE PRESIDENT: We don't want these dis-
8 cussions on the meaning of Japanese words unless they
9 are material.

10 MR. S. OKAMOTO: I wanted to make clear that
11 through this witness the difference between the word
12 "operation" and the word "battle."

13 THE PRESIDENT: What bearing has it on any
14 issue?

15 MR. S. OKAMOTO: I will try to prove this
16 through some other means. I shall change the subject.

17 Q Mr. Witness, do you know the operations policy
18 entertained by General YAMASHITA at the time immediate-
19 ly after the landing of the American troops near Manila
20 on the 15th of December, 1944?

21 A Yes, I do.

22 Q Will you please outline his policy briefly?

23 THE PRESIDENT: Oh, this is impossible.

24 Mr. Tavenner.

25 MR. TAVENNER: Objection is made, if the Tri-

1 bunal please, on the ground of lack of relevancy and
2 materiality.

3 THE PRESIDENT: Objection upheld.

4 MR. S. OKAMOTO: I should like to state my
5 opinion as a counsel for MUTO.

6 THE PRESIDENT: Do, but do not waste our time.

7 MR. S. OKAMOTO: I shall respect time.

8 This has a very important bearing to prove the
9 fact that at headquarters -- that the headquarters
10 was not expecting the outbreak of atrocities, and that
11 they also did their best to prevent the outbreak of
12 atrocities. That can be absolutely given in the short
13 time of five or six minutes, and it will take only
14 fifteen minutes to put all my questions.

15 THE PRESIDENT: Now, we don't want to be coaxed
16 into allowing you to ask questions that are not really
17 relevant or material. Questions of what was General
18 YAMASHITA's policy are quite vague and now allowable.
19 Try again.

20 Q What was the strategy entertained by General
21 YAMASHITA in the area around Manila at the time immed-
22 iately after the landing of the United States forces on
23 Mindanao Island on the 19th of November --

24 THE MONITOR: 15th of December, 1944.

25 THE PRESIDENT: We don't want to know the

1 details of General YAMASHITA's campaign in Manila from
2 an admiral.

3 MR. S. OKAMOTO: This witness was stationed
4 at Bagio near the place where General YAMASHITA's
5 headquarters was located, and he was consistently --
6 constantly in contact with YAMASHITA.

7 THE PRESIDENT: Well, one of my colleagues
8 thinks that, as the accused MUTO was Chief of Staff
9 under YAMASHITA, the policy is of importance. Any
10 question which is likely to induce an answer showing
11 that any of the accused was not responsible for the
12 atrocities will be allowed; but so far no such ques-
13 tion has been put.

14 MR. S. OKAMOTO: That point will be clarified
15 if this question is allowed.

16 THE PRESIDENT: Ask a proper question. I am
17 not preventing you from proving anything relevant or
18 material, but do ask proper questions. Don't ask ques-
19 tions about the policy of these generals. That may
20 take weeks to answer.

21 MR. S. OKAMOTO: Then, I shall try some other
22 means.

23 Q Did General YAMASHITA in those days adopt
24 operations plans to render impossible the use of the
25 harbor installations of Manila City, then to evacuate

1 as much raw materials as possible from the city, and
2 later to carry on the fighting chiefly in the mountain-
3 ous area -- in the triangular mountainous area?

4 THE PRESIDENT: Mr. Tavenner.

5 MR. TAVENNER: Objection is made on the
6 ground of its being a leading question.

7 MR. S. OKAMOTO: As I am afraid of putting
8 this type of question which would be considered as a
9 leading question, I put my first question, that is,
10 concerning the policy of the General, and your Honor
11 stated my question was too vague.

12 THE PRESIDENT: It is not objectionable
13 because it is leading; it is objectionable because it
14 is indefinite.

15 Objection upheld.

16 Who is the American counsel appearing in the
17 same interest as you?

18 MR. S. OKAMOTO: Mr. Cole.

19 THE PRESIDENT: Perhaps he can assist.

20 MR. S. OKAMOTO: I will put another ques-
21 tion.

22 Q Did you, Mr. Witness, express some opinion
23 concerning strategy or operations to General YAMASHITA
24 around about the 20th -- the 10th of February, 1945?

25 A Yes, I did.

Q What did you say?

A At the time, since the fighting was still going on inside Manila City, I felt it was useless to continue such fighting. I sent my Chief of Staff to General YAMASHITA in order to beg him for the withdrawal of the Manila garrison. The Chief of Staff returned and reported to me that such orders had already been issued.

THE PRESIDENT: Mr. Tavenner.

MR. TAVENNER: If the Tribunal please, objection is made on the ground that nothing that the witness said could be relevant here or material to any issue.

THE PRESIDENT: I am sorry to say I am in entire agreement with you, Mr. Tavenner.

This is the most hopeless attempt at examination in my experience in this court.

MR. S. OKAMOTO: I wish to prove that the headquarters was eager to prevent the outbreak of atrocities.

THE PRESIDENT: Go about it the right away.

Q Then, what was the strength of the Navy unit when the right of command was delegated to the Army?

A Approximately 20,000.

Q What was the strength of the Army unit when the right of command was delegated to the Army?

1 A I heard there were two battalions.
2 MR. S. OKAMOTO: That is all, your Honor.
3 MR. ROBERTS: You may cross-examine.
4 THE PRESIDENT: Mr. Tavenner.
5 MR. TAVENNER: The prosecution does not de-
6 sire to cross-examine.
7 MR. ROBERTS: May the witness be excused on
8 the usual terms.
9 THE PRESIDENT: He is excused on the usual
10 terms.
11 (Whereupon, the witness was excused.)
12 MR. ROBERTS: We now call the witness ARIMA,
13 Gen.
14 - - -
15
16
17
18
19
20
21
22
23
24
25

1 S H I Z U K A A R I M A, called as a witness in
2 behalf of the defense, being first duly sworn,
3 testified through Japanese interpreters as follows:

4 DIRECT EXAMINATION

5 BY MR. ROBERTS:

6 Q Please give us your name and address.

7 A My name is ARIMA, Shizuka (Gen); my address,
8 101-Chome, Nakameguro Meguroku, Tokyo.

9 MR. ROBERTS: May the witness be shown de-
10 fense document No. 1256?

11 (Whereupon, a document was handed to the
12 witness.)

13 Q Please examine this document and tell us
14 whether it is your sworn affidavit.

15 A This is mine.

16 Q Is it true and correct?

17 A Yes, it is.

18 MR. ROBERTS: I offer in evidence defense
19 document 1256.

20 THE PRESIDENT: Admitted on the usual terms.

21 CLERK OF THE COURT: Defense document 1256
22 will receive exhibit No. 3063.

23 (Whereupon, the document above referred
24 to was marked defense exhibit 3063 and received
25 in evidence.)

1 MR. ROBERTS: I read exhibit No. 3063:

2 "I. I am at present Chief of the Medical
3 Section of the Second Demobilization Bureau.

4 "II. The outline of my official career is
5 as follows:

6 "September 15th, 1938, member of the Medical
7 Bureau of the Navy Ministry.

8 "June 1st, 1942, Chief of the Quarentine
9 Section of the Sanitation Bureau of the Civil Govern-
10 ment under the South-west area fleet.

11 "November 1st, 1942, Surgeon Captain.

12 "November 20th, 1943, Chief Medical Officer,
13 the First Fleet dispatched to the South.

14 "May 9th, 1945, Chief of the First Section,
15 the Medical Bureau of the Navy Ministry.

16 "III. To begin with, the authority of
17 handling prisoners of war was in the hands of the
18 army and the navy was not supposed to keep and manage
19 prisoners of war; therefore, we had no special stock
20 of medical goods for prisoners of war. Accordingly,
21 when the navy interned prisoners as a temporary step
22 during the period between their capture and their
23 transfer to the army, the unit which was in charge
24 of managing them was supplied with medical stores
25

for the total number of soldiers in the unit and pri-

1 soners, and all medical treatment for them was carried
2 out without discrimination, treatment for prisoners
3 was on the same standard as the sick and wounded of
4 the unit; seriously ill prisoners were allowed to
5 enter a navy hospital exactly as Japanese officers
6 and soldiers.

7 "Thus, the navy neither treated them parti-
8 cularly warmly because they were prisoners nor treated
9 them especially coldly. Medical treatment for them
10 was carried out strictly and fairly in accordance
11 with 'Navy Regulations for Handling Prisoners of War.'

12 "IV. As to the stock of medical stores, it
13 was a fundamental principle of the Navy to keep mater-
14 ials which would last for a year for peacetime national
15 defense, out of necessity caused simply by the fact
16 that it has forces under it. However, it was a basic
17 standard regardless of the sort of enemy country or
18 the term of the probable war. In the case of the last
19 war, therefore, the outbreak of the war found us pro-
20 vided with this quantity.

21 "In other words, concerning medical stores,
22 we had no particular instruction to take steps to en-
23 able us to wage war for four years against America,
24 Britian, Holland and others. For we learned about
25 the outbreak of the last war and its scale only from

1 ordinary news reports, and, as far as medical mater-
2 ials were concerned, we faced the war unprepared.

3 "V. As to the disposition and numerical
4 incre. of surgeons and medical men following the
5 increase of prisoners the navy had no plan to manage
6 prisoners of war as previously mentioned; therefore,
7 the number of men in a unit which was in temporary
8 charge of prisoners was increased. In view of this,
9 a step to increase surgeons and medical men to cope
10 with the increase of its number was adopted. However,
11 on account of the rapid increase in the army's
12 strength and the unexpected organization of various
13 troops after the outbreak of the war, the increase
14 in number of surgeons and medical men, who must have
15 special education, could not meet the necessity.

16 "VI. A plan for distribution of medical
17 materials, providing for the supply of the basic
18 quantity for the total number of the unit plus the
19 estimated quantity made necessary by the particular
20 duties and sanitary conditions of its station, was
21 adopted in accordance with the account and Supply
22 Regulations of Medical Stores. (Refer to Notice
23 No. 237 issued in July 1941).

24 "The person responsible for distributing
25 these materials was the chief of the medical stores

1 section of the medicine bureau of the respective
2 navy hospital. Otherwise, the apothecary officer
3 of a navy hospital ship supplied them at the re-
4 quest of a medical officer of a surgeon in charge of
5 handling the military materials of a unit.

6 Even though a demand is made it was impos-
7 sible to supply it when there was no stock in the
8 navy stores or Japan proper. At distant places
9 sometimes supplies did not arrive because of sinking.
10 When communications and traffic between many points
11 on the battle-front were stopped or were strained as
12 in th latter half of the war, it was impossible to
13 supply demands.

14 "VII The chain of command concerning medical
15 business in the navy included the chief of the medical
16 bureau of the Navy Ministry who was an assiatant to
17 the Minister and commanded or ordered his subordinates
18 not directly but only in the name of the Minister.
19 Regarding military administration commanders-in-chief
20 of naval districts, guard districts or fleet head-
21 quarters were under the control of the Minister,
22 Each of the staffs of these commanders included a
23 chief medical officer, who was an assistant to the
24 commander-in-chief.
25

"Under the commander-in-chief there were war-

1 ships, units, schools, naval hospitals, etc. Tem-
2 porarily keeping and managing prisoners of war till
3 the time of handing them over to the army was done
4 by the above mentioned war-ships and units. Prisoners
5 who needed medical treatment were received into the
6 infirmary of the unit. In that case the person di-
7 rectly responsible for their treatment was the surgeon
8 in charge of that infirmary who was under the control
9 of the chief medical officer. The chief medical of-
10 ficer was directly subordinate to the unit commander;
11 accordingly, he received orders from the unit com-
12 mander. Sometimes he received suggestions and advice
13 on medical affairs from a superior medical officer
14 who was the staff-officer of the commander-in-chief,
15 but they were not commands or orders.

16
17 "Those who are seriously ill among the pri-
18 soner patients belonging to the infirmary of a unit
19 were transferred to a navy hospital just as Japanese
20 officers and men were.

21 "This may be shown in diagram No. 1 on the
22 separate sheet hereto attached.

23 "VIII Regarding general health problem,
24 especially those concerning dwellings, clothes, and
25 labor, the Medical Bureau of the Navy Ministry paid
particular attention in the earlier days of the war

1 mainly to problems in the tropics; and in the latter
2 days of the war mainly to maintenance of the physical
3 strength of soldiers in the homeland following food
4 and fuel shortages; searching for a scientific method
5 as the subject of special war-time study made by the
6 Research Section of the Navy Medical School and un-
7 official scientists, we exerted ourselves to the
8 utmost to put our conclusions into practice on troops
9 but under the situation it was most difficult to
10 carry out.

11 "Our national strength at that time was quite
12 insufficient to meet the general demand. For example,
13 we were in such a condition that even when the 'peni-
14 cillin cure' was needed, we could by no means use it
15 for the general clinic as we had such a small quan-
16 tity that it could be used only for clinical study.
17 And when we wanted D. D. T. we had only a test tube
18 of it as study material and even though we thought
19 of using it universally as the Occupation Forces are
20 doing, we could not realize this goal.

21 "IX Concerning medical treatment, now the
22 death of prisoners from diseases in Japan proper is
23 the subject of grave discussion but a large number of
24 Japanese soldiers died from diseases in the various
25 stages of the war.

1 "Under conditions existing in our country
2 after 1944 the ration for soldiers deteriorated in
3 quantity and quality until, if computed in calories
4 per day, it dropped below 1,700 calories, and even
5 below 1,500 calories.

6 "On the other hand, owing to fuel shortages,
7 there was no heating in winter season, warm baths be-
8 came impossible, clothes and bedclothes which were
9 necessary for warmth were wanting, and, in general,
10 maintaining body warmth was impossible; consequently,
11 a disproportion arose between calories absorbed and
12 calories consumed per day, and as the number of
13 calories consumed was always larger this fact re-
14 sulted in loss of physical strength and nourishment.
15 Such condition of illness seldom broke out among
16 older soldiers who were accustomed to military life
17 but often broke out among younger ones who were not
18 accustomed to military life. This kind of general
19 physical weakness caused many persons to suffer from
20 such complications as pneumonia and diarrhea. This
21 retarded their convalescence.

22
23 "The navy called it 'Prostration resulting
24 from inability to adjust oneself' and decided to dis-
25 tinguish it statistically from malnutrition in the
overseas war front.

1 "The number of cases of this disease re-
2 ported to the central authorities at that time was
3 more than 6,000 in the navy alone throughout the
4 country. Of this number more than 500 patients died;
5 however, it is inferred that the actual number was
6 more than 10,000, of which more than 1,000 patients
7 died. Erroneous diagnoses of these cases called
8 pneumonia or diarrhea, which were actually only com-
9 plications of the disease, the major disease and
10 prostration only a result was observed.

11 "X As to the death of prisoners from di-
12 seases, we must keep in mind the difference in re-
13 sistance to bacteria in the case of foreigners.

14 "Concerning the comparative ability of war
15 prisoners and Japanese to resist disease, we have
16 made no experiment or study and I am consequently in
17 no position to draw a scientific conclusion. However,
18 I am of the opinion that from study and experiment
19 on animals and epidemiological observation, it is
20 possible to state as follows:

21 "(a) Animals brought up in a favorable en-
22 vironment have less resistance to bacteria infection
23 than animals grown in a natural environment.

24 "(b) Men exposed to bacteria from their
25 childhood in an unfavorable environment have greater

1 resistance to bacteria than men who have grown in
2 a favorable environment from their childhood, it may
3 be inferred that prisoners were more susceptible to
4 bacterial infection than the Japanese. In addition,
5 such handicaps may be supposed among the prisoners as
6 the following:

7 "(1) spiritual restlessness,

8 "(2) inability to acclimatize,

9 "(3) unfamiliarity with Japanese food,

10 "(4) difference in customs,

11 "(5) lack of communication with the Japa-
12 nese due to the language barrier.

13 "As the result of these difficulties it is
14 possible to infer that patients had trouble and took
15 a longer period in recovering from a disease.

16 "The result of experiment on animals and
17 the epidemiological fact which formed the foundation
18 of this conclusion are as follows:

19 "1. Examples of experiments on animals:

20 "(a) When a domesticated mouse and a wood-
21 mouse living in natural surroundings were compared,
22 the former died with less bacteria for its weight
23 than the latter.

24 "(b) When a canary and a wild Japanese
25 white-eye were compared as to resistance to 'bird

1 malarial protozan', the canary was more strongly
2 infected with it than the white-eye; that is, the
3 former showed less resistance to bacteria than
4 the latter.

5 "2. Epidemiological observation on human
6 beings:

7 "(a) It often happens that when persons who
8 have grown in a rural district where there are few
9 tuberculous bacteria come to a city later, come in
10 contact with many people with active tuberculosis and
11 fall ill suddenly, they die in a short period. On
12 the contrary, when persons who have grown in a city
13 from their childhood and often resisted tuberculosis
14 infection fall ill they pass into a chronic state
15 and in many cases their convalescence is better com-
16 pared with that of the former.

17 "(b) In case of malaria the same result as
18 the above was observed.

19 "When a tribe grown in a place where malaria
20 prevails becomes immune racially from malaria for a
21 long period they seldom die of acute malignant ma-
22 laria. But when inhabitants of the temperate zone
23 who have never been infected with malarial protozoa
24 enter the place where malaria prevails they are im-
25 mediately attacked by acute-malaria and their condi-

tion grows serious.

1 "(c) In the case of dysentery the same ten-
2 dency may be observed.

3 "XI The sanitary environment of Japan must
4 be regarded as a reason for weakening the prisoners'
5 resistance. As to Japan's climate, it may be said
6 that the summer is that of subtropical climate and
7 the winter is severely cold. Even if a person grew
8 up in Japan from his childhood he would have much
9 trouble until he became acclimatized. On account of
10 this, many weak persons are attacked in their child-
11 hood, by various kinds of diseases and die. Besides,
12 during the wartime even the Japanese accustomed to
13 Japanese food were not satisfied, due to the shortage
14 of food materials, especially of albumin and fat.
15 Furthermore, owing to the lack of chemical fertili-
16 zers human manure was used by private homes for cul-
17 tivation of vegetables; consequently, the density
18 inside the bowels of parasites such as intertinal
19 worms and hook-worms was raised. Thus even the re-
20 sistance of the Japanese to disease was generally
21 lowered; and cases of dysentery, typhoid fever,
22 eruptive typhus, pneumonia, and tuberculosis increased.
23 Thus, as an environment, Japan was in a considerably
24 unfavorable condition. I am afraid that large number
25

1 of health troubles arose among prisoners coming to
2 such an environment.

3 "XII I think the difficulty in understand-
4 ing medical English in Japan was a considerable
5 handicap in medical treatment of prisoners of war.

6 "As to difficult medical terms, especially
7 difficult phrases in the Japanese language that even
8 the Japanese except physicians do not understand, are
9 frequently used. In interpreting them into English
10 even a professional interpreter will find himself un-
11 equal to the task. On the other hand, education
12 for physicians was carried on by medical scientists
13 of the German school, so that surgeons in the army
14 and navy were quite ignorant of medical English.
15 This being the case, it is inferred that if prisoners
16 complained about their illness the Japanese did not
17 understand the details of their complaint and even
18 if Japanese surgeons or medical men gave medical
19 advice to them the prisoners often failed to under-
20 stand what they meant."

21 Signed "This 10th day of December 1947".

22 THE PRESIDENT: In my copy this affidavit
23 is dated the 10th of December 1947.

24 MR. ROBERTS: I was just about to correct
25 that, 1946.

1 You may cross-examine.

2 THE PRESIDENT: Captain Robinson.

3 CAPTAIN ROBINSON: If the Court please,
4 there will be no cross-examination of this witness.

5 MR. ROBERTS: May the witness be excused on
6 the usual terms?

7 THE PRESIDENT: He is excused accordingly.

8 (Whereupon, the witness was excused.)

9 THE PRESIDENT: Have you a document next or
10 a witness?

11 MR. ROBERTS: Next we have a document which
12 is several pages. We may mark it in evidence perhaps
13 and then proceed to read it after--

14 THE PRESIDENT: We will adjourn for
15 fifteen minutes.

16 (Whereupon, at 1445 a recess was
17 taken until 1500, after which the proceedings
18 were resumed as follows.)

19 - - -
20
21
22
23
24
25

K
n
a
p
p
&
Y
e
l
d
e
n

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Roberts.

4 MR. ROBERTS: We offer in evidence defense
5 document No. 1896, being an exact copy of the answer
6 addressed to Colonel Allen from Major General NAKA-
7 MURA, concerning the inquiry note addressed to the
8 Japanese Government from GHQ, after the surrender,
9 concerning a Japanese submarine which sunk a steamer
10 in the Indian Ocean.

11 THE PRESIDENT: Admitted on the usual
12 terms.

13 CLERK OF THE COURT: Defense document 1896
14 will receive exhibit No. 3064.

15 (Whereupon, the document above
16 referred to was marked defense exhibit No.
17 3064 and received in evidence.)

18 MR. ROBERTS: I read exhibit No. 3064:

19 "6 December 1945. From: Minister of the
20 I. J. 2nd Demobilization Ministry. To: General
21 Headquarters of The Supreme Commander for the
22 Allied Powers. Subject: Reply regarding the sink-
23 ing of merchant ships in Indian Ocean.

24 "With reference to your letter dated 19
25 November 1945, our statement is herewith presented.

"Reply regarding the sinkings of merchant ships in Indian Ocean.

"With regard to the cases on the above subject requested by your memorandum dated 19 November 1945, protests were filed during the war by the respective governments except for the Norwegian S. S. Scotia; and whereas at each time of the protest we investigated the matters through various reports and telegrams as well as the returned persons from the operated areas, in none of these cases positive results was obtained, and accordingly the governments interested were notified to that effect.

"Because of the loss of almost all Japanese submarines then operating in the Indian Ocean, remaining very few survivors, and because of the destruction by fire of all relevant records, reports and telegrams, the renewal of the survey has now become very difficult, and accurate results cannot be expected at present. But we have conducted our investigation as far as possible based upon the inquiry of the majority of the surviving crews and of those persons who occupied key posts in submarine warfare; and the result of the investigation so far obtained is as follows:

"1. Names of submarines in question together with the outline of the movements thereof.

1 "The submarines of the Imperial Japanese
2 Navy that operated in the Indian Ocean during the
3 period relative to the sinkings of merchant ships
4 described on the protests filed against the Imperial
5 Japanese Government, i.e., from the end of 1943
6 through August 1944, were:

7 "I-8, I-26, I-27, I-37, I-162, I-165,
8 I-166, Ro-110, Ro-111 Total 9 submarines.

9 "While their duties lay in destruction of
10 communications, reconnaissance of strategic places,
11 as well as supplying to German submarines, etc.,
12 priority was given to the reconnoitering the key
13 points in such areas as Maldiv Islands, Chagos
14 Islands, Diego Suarez, Mombasa, Aden Bay, and the
15 northwestern part of Australia. The carrying out of
16 these reconnaissance duties caused these submarines
17 to operate dispersing all over the length and width
18 of the Indian Ocean. Except the I-162, the remain-
19 ing eight submarines have all reported as missing in
20 the Indian Ocean or during subsequent operations in
21 other theatres, and as for this survived I-162, its
22 commanding officer during the operations in question
23 was killed in action in July 1944 in southern Pacific.
24 Under these circumstances, though the accuracy can-
25 not be guaranteed, the movements of each of these
submarines have been described, based upon the memories

1 of the surviving crews, on the annexed Table No. 1
2 and on the attached chart. It should be added in
3 this connection during that period considerable
4 number of German submarines were engaging in com-
5 merce destruction in all spheres of the Indian Ocean
6 paralleled to our submarine activities there. And
7 since the summer of 1943 the dividing line between
8 the German operational area and ours as well as the
9 limitation of periods of operation was rescinded ow-
10 ing to the earnest desire of the German Navy.

11 "2. Judgment concerning the submarines
12 responsible for the sinking of the steamers.

13 "Since there is no one who can recall to his
14 mind the names in question among those of the sunken
15 vessels, the only way for us to do is to make a
16 comparison between the movements of each of our sub-
17 marines as explained in the preceding paragraph on
18 one side and the date and place of the sinking of
19 each victim steamer stated in the protests from the
20 respective Governments on the other; and this over-
21 all comparison is shown on the Annex Table No. 2.
22 But as it is clarified in this table we can identify
23 no submarines which may be suspected of the inquired
24 sinkings with the reservation regarding Nos. I-27,
25 I-166, and Ro-110. These last named three

1 submarines, with all of their crews, have failed to
2 return to their base from their operations in the
3 Indian Ocean, and therefore if ever they might be
4 responsible for any of these sinkings, there is no
5 means for us to continue the investigation any
6 further.

7 "Such being the situation it is a matter of
8 regret that we cannot herewith specify the names of
9 the responsible submarines.

10 "As for the Scotia, it is desired, the
11 information concerning the date and place of the
12 sinking of this Norwegian vessel will be revealed to
13 us as soon as possible, because without these data
14 we cannot get any clue to the probing of this case."

15 THE PRESIDENT: I suppose "I. J. Second
16 Demobilization Ministry" means "Imperial Japanese
17 Second Demobilization Ministry."

18 MR. ROBERTS: The charts and tables will not
19 be read. They are included for the guidance of the
20 Court.

21 We now call the witness TAKATA, Toshitane.
22
23
24
25

1 T O S H I T A N E T A K A T A, called as a witness
2 in behalf of the defense, being first duly
3 sworn, testified through Japanese interpreters
4 as follows:

5 DIRECT EXAMINATION

6 BY MR. ROBERTS:

7 Q Please state your name and address.

8 A My name is TAKATA, Toshitane. My address
9 is 955 1-Chome, Tamagawa Naka-machi, Setagaya-ku,
10 Tokyo.

11 MR. ROBERTS: May the witness be shown
12 defense document No. 2128?

13 Q Please examine this document and tell us
14 whether it is your sworn affidavit.

15 A This is mine.

16 Q Is it true and correct?

17 A There are three places in which I would
18 like to make corrections. May I?

19 Q Please tell us the page and the paragraph
20 number or question number.

21 A The first place is the answer to the fourth
22 question. At the end of the first paragraph the
23 words "For that purpose regular personnel was
24 assigned" is found. Instead of that phrase, please
25 substitute "Personnel, regular personnel to take

charge of such matters were assigned."

1 THE INTERPRETER: Correction. There is no
2 correction in the English text.

3 THE PRESIDENT: What was his rank?

4 THE WITNESS: Rear Admiral.

5 May I make my next correction?

6 Answer to the seventh question, where the
7 words "The Director of Naval Affairs Bureau, Director
8 of Accounts and Supplies Bureau and Director of
9 Legal Bureau" -- after that, please insert "Director
10 of Military Supplies Bureau and Director of the
11 Medical Affairs Bureau."
12

13 Q What is your last correction?

14 A Answer to the twenty-fifth question.
15 "There was a law called the P.O.W. punishment law
16 and the naval regulations pertaining to treatment of
17 war prisoners," etc. -- instead of that, please say
18 "There was a law called the prisoners of war punish-
19 ment law and also the Navy court-martial law and the
20 Navy disciplinary regulations."

21 That is all.

22 Q Is it otherwise true and correct?

23 A Yes

24 MR. ROBERTS: I offer in evidence defense
25 document No. 2128.

1 THE PRESIDENT: Admitted on the usual terms.

2 CLERK OF THE COURT: Defense document 2128
3 will receive exhibit No. 3065.

4 (Whereupon, the document above
5 referred to was marked defense exhibit No.
6 3065 and received in evidence.)

1 MR. ROBERTS: I read exhibit No. 3065:

2 1. "Q Briefly state the posts held by you.

3 "A From July 1, 1935 to November 15, 1937 I was
4 on the staff of Section One, Naval Affairs Bureau of the
5 Navy Ministry, and had charge of matters connected with
6 naval organization and personnel.

7 "Thereafter I was staff officer of the fleet
8 in the China waters, commander of the aircraft carrier
9 'Soryu' and staff officer of the Second Fleet. After
10 that from November 15, 1940 to July 14, 1942 I assumed
11 the post of Chief of Section One, Naval Affairs Bureau,
12 and had charge of matters relating to naval armament
13 and naval administration.

14 "After that I served as staff officer of the
15 Third Fleet, staff officer of the Combined Fleet,
16 commander on the staff of the Combined Fleet, and
17 assistant of chief of staff of Naval Combined Forces.
18 From May 15, 1945, up to the termination of the war I
19 was Deputy Director, Naval Affairs Bureau of the Navy
20 Ministry, and had charge of matters relating to the
21 navy's preparation for war. I was a rear admiral when
22 the war ended.

23 2. "Q What sort of office routine was handled in
24 Section One, Naval Affairs Bureau of the Navy Ministry?

25 "A 1) Naval preparations and matters relating to

1 general naval administration.

2 "2) Matters relating to warships, vessels,
3 units, offices, and organization of schools and duties.

4 "3) Matters relating to organization of
5 warships, ships and units and service duties.

6 "4) Matters relating to naval discipline and
7 public morals.

8 "5) Matters relating to maneuvers.

9 "6) Matters relating to censorship.

10 "7) Matters relating to ceremonies,
11 etiquette, regulations on uniforms and garniture.

12 "8) Matters relating to warships, vessels
13 and ordnance and other war supplies in general.

14 "9) Matters relating to martial law and
15 defense.

16 "The foregoing are items provided for in the
17 Regulations Pertaining to the Organization of the
18 Navy Ministry, but the nature of the duties are set
19 out in detail in the Regulations Pertaining to the
20 Functions of the Navy Ministry. Also the contents
21 thereof were also classified in detail in the Table of
22 the Division of Duties Navy Ministry Personnel.

23 3. "Q Since December 8, 1941 what section in the
24 Navy Ministry handled matters pertaining to prisoners
25 of war?

1 "A Section One of the Naval Affairs Bureau handled
2 them.

3 4. "Q Were there any provisions stating that
4 matters relating to prisoners of war came within the
5 jurisdiction of the Naval Affairs Bureau?

6 "A The words 'prisoners of war' were not partic-
7 ularly used in the Ordinance on Organization of
8 Ministry of Navy and Regulations Pertaining to the
9 Functions of the Navy Ministry. But since matters
10 relating to prisoners of war were embraced within the
11 general matters concerning naval administration, (a)
12 the task of preparing a draft for the establishment
13 or revision of the various regulations concerning the
14 handling of POW, (b) liaison work within Japan in
15 connection with POW was undertaken by Section One
16 Naval Affairs Bureau, and for that purpose regular
17 personnel was assigned.

18 "Furthermore, with respect to the handling of
19 the prisoners of war as a matter of international
20 routine affair, Section Two of the Naval Affairs
21 Bureau acted as a reception organ.

22 5. "Q What were the standard of rules and customs
23 in the Navy upon which the prisoners of war were handled?

24 "A It was based on international law, which was
25 the standard upon which the Navy handled prisoners of

war.

"Regulations Pertaining to the Treatment of Prisoners of War. These were the procedures provided for until the prisoners of war captured by the Navy were turned over to the Army.

"It had been the practice since the Meiji Era and there were various regulations pertaining to it for the Navy to turn over the prisoners of war captured by it to the Army, and they were interned in the prisoners of war camp under the control of the War Minister.

6. "Q What sort of concrete measures were taken by the Navy so that it could work on the basis of international law?

"A On October 7, 1914 the Rules of Naval Warfare were promulgated. Article One provides:

"'During wartime the Imperial warships may, according to this order, or other rules, regulations and provisions of treaties, capture at sea, and take all necessary measures against other acts of hostility in order to attain the object of the war. With respect to matters which are not provided for herein, the principles of international law shall be applied.'

"These were the basic rules and regulations.

"The Japanese Navy had been giving suitable

1 lectures in connection with international law at
2 various schools conforming with the education standard
3 of such schools. Moreover, specialists in international
4 law were dispatched to the fleet and gave lectures
5 thereon.

6 "There were two civil officials in the
7 Navy who were conversant with international law, and
8 they were attached to the secretariat of the Navy
9 Minister. They handled matters relating to inter-
10 national relations, and the opinions of these civil
11 officials were not only respected, but if it became
12 necessary either one of them, or a specialist like
13 Dr. Jumpei SHINOBU was dispatched to the fleet and he
14 gave the necessary advice in the disposition of ques-
15 tions involving international relations. After the
16 outbreak of the China Incident the Navy Ministry
17 frequently issued reference books, advisory memorandum,
18 telegrams of warning, etc. to the various naval units
19 in connection with international law. The following
20 were some of the principal books which were published
21 and distributed to the various warships and naval units:
22
23 "Outline of Wartime International Law;
24 "Tables appended to above;
25 "Supplement to above;
"Commentary on Naval Ministerial Order Guiding

1 lectures in connection with international law at
2 various schools conforming with the education standard
3 of such schools. Moreover, specialists in international
4 law were dispatched to the fleet and gave lectures
5 thereon.

6 "There were two civil officials in the
7 Navy who were conversant with international law, and
8 they were attached to the secretariat of the Navy
9 Minister. They handled matters relating to inter-
10 national relations, and the opinions of these civil
11 officials were not only respected, but if it became
12 necessary either one of them, or a specialist like
13 Dr. Jumpei SHINOBU was dispatched to the fleet and he
14 gave the necessary advice in the disposition of ques-
15 tions involving international relations. After the
16 outbreak of the China Incident the Navy Ministry
17 frequently issued reference books, advisory memorandum,
18 telegrams of warning, etc. to the various naval units
19 in connection with international law. The following
20 were some of the principal books which were published
21 and distributed to the various warships and naval units;

22 "Outline of Wartime International Law;

23 "Tables appended to above;

24 "Supplement to above;

25 "Commentary on Naval Ministerial Order Guiding

1 Men-of-War's Conduct in High Sea and Foreign
2 Territorial;

3 "Various Problems Pertaining to Rules of
4 Naval Warfare;

5 "Laws & Regulations Relating to Naval War-
6 fare of Various Nations in the War of 1939-1940
7 (12 volumes)

8 "Among the various laws or reference books
9 referred to above there was contained various treaties,
10 advisory matters relating to prisoners of war.

11 7. "Q What authority had the Navy Minister in
12 connection with the administration of POW?

13 "A The Navy Minister had authority to make the
14 rules for the administration of the prisoners of war.
15 He drafted the Rules and Regulations Pertaining to the
16 Treatment of Prisoners of War, and provisions Relating
17 to Supplies & Allowances of Prisoners of War. The
18 Director of Naval Affairs Bureau, Director of Accounts
19 and Supplies Bureau and Director of Legal Bureau,
20 Director of Military Supplies Bureau, and Director of
21 Medical Supplies Bureau were aides to the Navy Minister
22 in connection with the adoption, revision or abolition
23 of these rules and regulations.

24 "The commander in chief of the naval station,
25 commander in chief of guardship and commander in chief

1 of the fleet were in a position to enforce the
2 administration of the prisoners of war on the basis
3 of the regulations drafted by the Navy Minister.

4 When prisoners of war were captured by any unit under
5 the command of the foregoing commanders, the necessary
6 regulations concerning their administration were fixed.

7 8. "Q I wish to ask you about the relations between
8 the Navy Minister and the operation force. Was the
9 Navy Ministry consulted by the Naval General Staff in
10 connection with the operation orders issued to the
11 operation force?

12 "A He was not consulted at all with regard to
13 pure operations.

14 9. "Q Was the Navy Ministry ever consulted with
15 regard to the submarine operations in the Pacific War?

16 "A Never.

17 10. "Q With regard to matters concerning the prisoners
18 of war at the zone of operation, were they disposed of
19 as naval administration matters?

20 "A In case of an actual engagement with the
21 enemy, or in the case of an emergency corresponding
22 thereto existing the matters were disposed of as oper-
23 ational matters.

24 11. "Q Under which of the foregoing matters did the
25 administration of the prisoners of war in the various

1 islands take form when Japanese troops were actually
2 subjected to enemy attacks or constantly exposed to
3 the dangers of enemy assault?

4 "A It was disposed of as operational matter.

5 12. "Q What was the date when the Japanese force
6 occupied Wake Island in the early stage of the war?

7 "A As I remember, it was on December 23, 1941.

8 13. "Q Were there any prisoners of war on the said
9 island when it was occupied, and how many were there?

10 "A I remember that the number of war prisoners
11 was unexpectedly large, which surprised me. However,
12 I do not remember the number.

13 14. "Q When and by whom was that report made?

14 "A I recall that soon after the occupation, the
15 commander of Wake Island operation force telegraphed to
16 the commander in chief of the 4th Fleet, and the com-
17 mander in chief of the Combined Fleet. At the same
18 time, the information was sent to the Naval General
19 Staff and the Navy Ministry.

20 15. "Q Who was the garrison commander on Wake
21 Island" -- there should be a correction there -- "and
22 under whose command?

23 "A The garrison commander on Wake Island during
24 my tenure as chief of Section One, Naval Affairs Bureau,
25 was Navy Captain Suzumu KAWASAKI, who was under the

1 command of Vice Admiral Narumi INOUE, commander in
2 chief of the 4th Fleet.

3 16. "Q What steps were taken to handle the prisoners
4 of war on Wake Island?

5 "A It was decided to transport them to Japan and
6 deliver them to the army. In early part of January
7 1942 the Nitta Maru was dispatched to Wake Island, and
8 the prisoners of war placed on board.

9 17. "Q Was this regarded as a naval administration
10 matter or an operational matter?

11 "A That it was inconvenient from the point of
12 view of supply to leave a large number of prisoners
13 of war on the islands in mid-ocean so it was better
14 to transport them quickly to Japan, was a naval
15 administration matter. Whether or not it would hinder
16 the general operations to send such a large type ship
17 as the Nitta Maru to Wake Island immediately after the
18 opening of hostilities, or whether defense against
19 enemy attack on the Nitta Maru could be prevented was
20 an operational matter. That is to say, whether the
21 Nitta Maru should be dispatched to Wake Island or not
22 was a matter which must be considered from both the
23 naval administration and operation.
24
25

1 18. "Q Who ordered the movement of the Nitta Maru?

2 "A As I recall the Mobilization Bureau, an aide
3 organ to the Navy Minister, drew up the plan of the
4 movement after having obtained the approval of the
5 sections and bureaus concerned in the Navy Ministry
6 and the Naval General Staff, and the Navy Minister
7 issued the command for its movement.

8 19. "Q What were the movements of the prisoners of
9 war after they had been taken aboard the Nitta Maru?

10 "A As I remember, the Nitta Maru arrived in Japan
11 about the middle of January, but pursuant to the
12 request of the army the prisoners from Wake Island were
13 placed in a temporary prison camp in Shanghai, and they
14 were transported to Woosung direct from the Nitta Maru.

15 20. "Q Were the prisoners of war transported on the
16 Nitta Maru all from Wake Island? How many were there?

17 "A They were not all. As I recall those trans-
18 ported on the Nitta Maru ran up to considerable num-
19 ber, but I do not know how many.

20 21. "Q What was the reason for the entire prisoners
21 not being transported on the Nitta Maru?

22 "A At the time the Nitta Maru reached Wake Island
23 (I do not remember the exact time) we received a tele-
24 gram from the commanding officer on the spot saying
25 that there were many prisoners of war whose transfer

1 was difficult on account of their being ill, while
2 there were quite a number who voluntarily wished to
3 remain there. Subsequently the Navy Minister studied
4 the problem of supply and international law questions.
5 According to the opinion of a specialist in interna-
6 tional law attached to the Navy Minister's Secretariat,
7 the prisoners of war could remain after they have
8 voluntarily signed a contract agreeing to engage in
9 work which was not connected directly with combat.
10 Therefore, we answered by cable to such effect and have
11 each prisoner sign such an agreement which should be
12 dispatched to the Navy Ministry. Furthermore, I
13 recall that we received instructions which were issued,
14 that as for those who were ill and could later be
15 removed, and others who have completed their work and
16 desired to be transported to Japan, could be so trans-
17 ported as soon as transportation was available.

18
19 22. "Q Did those contracts reach the Navy Ministry,
20 and what became of the prisoners of war who had re-
21 mained thereafter?

22 "A Up to the time of my resignation as Chief of
23 Section One, Naval Affairs Bureau, that is July 14,
24 1942, these contracts did not reach us. Except for
25 an episode, which I heard, concerning the prisoners
of war remaining on Wake Island, I do not recall

1 receiving any report.

2 23. "Q What was that episode?

3 "A The occupation force on Wake Island dis-
4 covered huge amounts of construction materials and
5 engineering machinery and construction engineers on
6 the island. They were surprised to find an enormous
7 quantity of these together with precision construction
8 machinery. They immediately tried to use them and
9 started to operate the bulldozers, but could not do
10 so. While they were at a loss what to do, one of the
11 American engineers, who was watching, by sign language
12 waved aside the Japanese soldiers and smilingly operated
13 the bulldozer. The story was that this was the motive
14 which prompted some of the prisoners to remain there.

15 24. "Q Do you know anything about the fact that
16 several prisoners of war who had been placed on board the
17 Nitta Maru were executed en route from Yokohama to Woo-
18 sung between the middle and the end of January 1942?

19 "A I do not know anything about it. At that
20 time not only was there no reply, but I do not recall
21 hearing of any subsequently.

22 25. "Q What was the situation with respect to meting
23 out of punishment to the prisoners of war?

24 "A There was a law called the POW Punishment
25 Law, and also the Navy Court-Martial Law and the Navy

1 Disciplinary Law and the Naval Regulations Pertaining
2 to the Treatment of War Prisoners which clarified
3 following point, namely: If it was a disciplinary
4 measure the commander of the naval authorities who
5 actually had the prisoners interned applied the pro-
6 visions of the Naval Disciplinary Regulations. In
7 case of a penal measure, the naval authorities inves-
8 tigated as executive naval judicial prosecuting offi-
9 cer (kaigun shiho keisatsu kan), turned over the
10 case to the prosecutor of the nearest court-martial
11 who would try the case.

12 26. "Q Did you see the detailed Regulations for the
13 Punishment of Prisoners of War established by the
14 transport commander of the Nitta Maru, or did you
15 receive a report thereof?

16 "A We knew nothing about it at that time, nor
17 did we become aware of it until recently.

18 27. "Q Who set up the temporary prison camps and
19 selected their sites?

20 "A The commanders-in-chief of the fleet, naval
21 station and minor naval station, who received the
22 prisoners of war, set up the prison camps pursuant to
23 the Regulations for the Treatment of Prisoners of War.

24 28. "Q Who set up the Ofuna temporary prison camp?
25 Do you know what was the occasion when you became aware

1 of its establishment?

2 "A The Ofuna temporary prison camp was estab-
3 lished by the Yokosuka Naval Station. I learned of
4 it for the first time when the Yokosuka Naval Station
5 submitted the papers to the Navy Ministry requesting
6 appropriation in connection with the construction of
7 the Ofuna temporary prison camp. I remember that it
8 was a short time before I resigned as Chief of Section
9 One, Naval Affairs Bureau.

10 29. "Q Did you, during your tenure in the Naval
11 Affairs Bureau, receive reports or protests that the
12 prisoners of war at Ofuna temporary prison camp were
13 mistreated or driven to hard labor, or that patients
14 were not given adequate medical treatment?

15 "A There were absolutely no reports on such
16 matters, nor have I heard it from other sources."

17 Dated the 27th day of August, 1947.

18 You may cross-examine.

19 THE PRESIDENT: Commander Cole.

20 CROSS-EXAMINATION

21 BY COMMANDER COLE:

22 Q On page 9 of your affidavit you state that
23
24
25

1 Ofuna Prisoner of War Camp was established by the
2 Yokosuka Naval Station. Will you give us the approxi-
3 mate date on which Ofuna Prisoner of War Camp was
4 established?

5 A I do not recall exactly.

6 Q On page 2 of your affidavit you state that
7 Section 1, Naval Affairs Bureau, of which you were the
8 chief, was in charge of matters pertaining to prison-
9 ers of war. In the light of that statement, was it
10 possible that Ofuna Prisoner of War Camp could have
11 been established without the approval of the Bureau
12 of Naval Affairs?

13 A It is possible. May I explain? According
14 to the Prisoner of War Treatment Regulations pub-
15 lished by the Navy Ministry, the chiefs of the various
16 naval authorities in whose hands prisoners of war
17 might fall and the various commanders of the naval
18 stations and minor stations which might receive pri-
19 soners of war from other commanders were empowered
20 to set up rovisional camps, and to place the prisoners
21 of war in these camps.

22 When buildings already in existence were
23 used as temporary camps, it was not necessary for the
24 authorities setting up such camps to consult with
25 the Naval Affairs Bureau beforehand.

1 In the case of the Yokosuka Naval Station,
2 since they did not have buildings adequate to hold
3 these prisoners, they desired to build extra build-
4 ings, and for this purpose appropriations were needed.
5 The Naval Affairs Bureau handled this matter only
6 to the extent of approving the necessary appropriations.
7 That is all.

8 Q You state on page 9 of your affidavit that
9 you first learned of the Ofuna Prisoner of War Camp
10 when a request for an appropriation governing the
11 camp reached the Navy Ministry shortly before you
12 resigned as Chief of Section 1, Naval Affairs Bureau.
13 What was the approximate date on which this request
14 was received?

15 A I have no clear recollection on this point.

16 Q On page 1 of your affidavit you state that
17 you assumed the post of Chief of Section 1, Naval
18 Affairs Bureau, on November 15, 1940, and held it
19 until July 14, 1942. In the light of this statement,
20 may we assume that the Bureau of Naval Affairs had
21 knowledge of Ofuna Prisoner of War Camp from sometime
22 in July, 1942?

23 A I do recollect that I received a report
24 from my subordinate that a request for appropriations
25 had come from the Yokosuka Naval Station after they

1 had already begun building the temporary camp.

2 Q In answer to this request for an appropri-
3 tion, did the Navy Ministry in fact provide the funds
4 for the establishment of Ofuna Prisoner of War Camp?

5 A Yes.

6 Q While you were attached to the Bureau of
7 Naval Affairs, were any reports received covering the
8 number, names and rank of the prisoners of war at
9 Ofuna Prisoner of War Camp?

10 A I have no clear recollection on this point.

11 Q How long did Ofuna Prisoner of War Camp
12 remain in existence?

13 A I believe it existed after the end of the
14 war.

15
16 COMMANDER COLE: No more questions.

17 MR. ROBERTS: No further questions. May the
18 witness be excused on the usual terms?

19 THE PRESIDENT: He is excused accordingly.

20 (Whereupon, the witness was excused.)

21 MR. ROBERTS: I now call the witness YAMAMOTO,
22 Yoshio.

23 - - -
24
25

1 Y O S H I O Y A M A M O T O, recalled as a witness
2 on behalf of the defense, having been previously
3 sworn, testified through Japanese interpreters
4 as follows:

5 THE PRESIDENT: You are still on oath.

6 DIRECT EXAMINATION

7 BY MR. ROBERTS:

8 Q May the witness be shown defense document
9 No. 2142.

10 Please examine this document and tell us
11 if it is your sworn affidavit.

12 A It is mine.

13 Q Is it true and correct?

14 A Yes.

15 MR. ROBERTS: I offer in evidence defense
16 document No. 2142.

17 THE PRESIDENT: Admitted on the usual terms.

18 CLERK OF THE COURT: Defense document 2142
19 will receive exhibit No. 3066.
20

21 (Whereupon, the document above
22 referred to was marked defense exhibit
23 No. 3066 and received in evidence.)

24 MR. ROBERTS: I will read exhibit 3066.
25 I will skip the posts occupied because they were given
previously.

1 "2. Q During the wartime did the Navy Ministry
2 issue any instructions concerning the handling of the
3 prisoners of war?

4 "A Instructions were issued by telegrams and
5 correspondence with respect to the handling of the
6 prisoners of war.

7 "3. Q Where were these directed to by the Navy
8 Ministry?

9 "A Headquarters of the Naval Base, Headquarters
10 of Minor Naval Station and Headquarters of the Fleet.

11 "Q Do you know where these original telegrams
12 were filed and if they are now available?

13 "A The originals were in the custody of Section
14 One, Naval Affairs Bureau, Navy Ministry, but they
15 were all lost in the fire in the air raid on May 25,
16 1945.

17 "5. Q Then can you recall, in substance, their
18 contents?

19 "A I can recall the following facts from memory:

20 "a) Instructions were issued on December
21 1941. The supervision of the prisoners of war was to
22 be in the hands of the Army, and the Navy was to
23 administer them until they were turned over to the
24 Army. This was set forth in Regulations Pertaining
25 to the Treatment of Prisoners of War, but the orders

1 were made to call attention to the existence thereof.

2 "b) As prisoners were captured in the
3 southern combat zone from January 1942 to February,
4 instructions were issued to transport them to Japan.

5 "c) As there were quite a number of deaths
6 among the prisoners of war due to influence at the
7 Saseho temporary prison camp from December 1942 to
8 the spring of 1943, orders were issued to the
9 Saseho Naval Station two or three times to make an
10 investigation of the state of affairs. Moreover,
11 attention was called respecting accommodations and the
12 food situation, which was reported as law.

13 "d) October 1943. Directions were issued
14 to transfer to the Army a considerable number of
15 prisoners from Saseho.

16 "e) December 1944. Instructions were issued
17 to make a survey and report on the condition of the
18 prisoners of war held outside of Japan. The condition
19 of the prisoners outside of Japan was to have been
20 reported in accordance with the Regulations Pertaining
21 to the Treatment of Prisoners of War, but due to the
22 difficulties encountered in traffic and communications
23 many of the reports did not reach Tokyo and caused the
24 office routine in handling them to bog down. Therefore,
25 in order to straighten out the materials anew

1 instructions were sent out to make a survey. Despite
2 the foregoing instructions reports still did not ar-
3 rive.

4 "f) March 1945. If prisoners were interned
5 by the troops stationed abroad they were instructed
6 to turn them over to the nearest army units as
7 quickly as possible.

8 "6. Q Do you know where the prisoners captured
9 by the Navy were placed during the war?

10 "A I understand that the prisoners captured
11 by the Navy were stationed at Wake Island, Rabaul,
12 Ambon, Macassar and Haiphong. However, most of the
13 prisoners on Wake Island were first sent to Woosung,
14 Shanghai, in early 1942, and later one portion was
15 transported to Japan and delivered to the Army, and
16 a small portion remained to engage in engineering
17 works. I also understand that the prisoners in
18 Rabaul were sent to Japan and turned over to the Army.

19 "7. Q Do you know whether there were prisoners
20 held in other areas?

21 "A I do not know as there were no reports
22 received from any other place.

23 "8. Q Had you received any reports that the
24 prisoners in those areas mentioned had been mis-
25 treated?

"A No.

1 "9. Q Do you know that under date of August 21,
2 1943, the American Government dispatched a list of
3 40 names of prisoners on Wake Island whose whereabouts
4 were unknown?
5

6 "A No, I do not."

7 MR. ROBERTS: I understand on "9" there is
8 a correction sheet, and that should be "400" instead
9 of "40" on the correction.

10 "10. Q Do you know that the American Government
11 has made inquiries about the tidings of the prisoners
12 of war on Wake Island as follows:

13 "Letter dated October 8, 1943.

14 "Memorandum dated December 10, 1943.

15 "Memorandum dated February 14, 1944.

16 "Memorandum dated September 25, 1944.

17 "Memorandum dated November 1, 1944.

18 "Memorandum dated March 15, 1945.

19 "Memorandum dated May 15, 1945.

20 "Memorandum dated July 27, 1945.

21 "A I received no information concerning such
22 inquiries.

23 "11. Q Did you ever see any other inquiries with
24 regard to the tidings of the prisoners on Wake Island?
25

"A I do not recall any inquiries from any place

1 other than the reply to the inquiry from the Japanese
2 Office that there were a few prisoners remaining on
3 Wake Island, which was made by my predecessor in
4 office in 1942.

5 "12. Q Was there a report from Rear Admiral
6 SAKAIBARA, Commander of the Wake Garrison, about
7 October 1943, with regard to the prisoners who re-
8 mained on that island?

9 "A Report came directly to the Fourth Fleet,
10 but at the same time telegraphic report came to the
11 Navy Ministry, Naval General Staff and the Combined
12 Fleet.

13 "13. Q What was the nature of the request?

14 "A At that time there was a bombardment of Wake
15 Island by the American task force. The situation was
16 such that with the continuance of the bombardment the
17 landing of American troops was expected and in con-
18 sequence the American prisoners of war thereupon
19 started a mass riot, therefore they were shot. That
20 was the substance of the telegram.

21 "14. Q With respect to this report what sort of
22 action was taken by the Navy Ministry?

23 "A As for the Navy Ministry it was not in a
24 position to take any direct measure so no action was
25 taken. However, it was watching what sort of action

1 would be taken by the superior officer, the commander-
2 in-chief of the 4th Fleet.

3 "15. Q Where was the headquarters of the 4th Fleet
4 at that time?

5 "A Truk.

6 "16. Q What was the condition of traffic and com-
7 munications between Wake, Truk and Tokyo at that time?

8 "A There were contacts by wireless, but sea-
9 borne traffic could not be conducted unless at con-
10 siderable risk of danger.

11 "17. Q Was there any report from the 4th Fleet with
12 respect to the conduct of the commanding officer on
13 Wake Island later?

14 "A There were no reports whatever. From the
15 end of 1943 the South Seas Islands were being attacked
16 by the American air force and navy; therefore, the
17 4th Fleet was exposed to severely desperate battles.
18 In view of this state of affairs it was impossible
19 to press for reports and cause investigations to be
20 made.

21 "18. Q Was a court-martial set up in the 4th Fleet
22 at that time?

23 "A Yes.

24 "19. Q Did the 4th Fleet take any step in putting
25 this case before the court-martial?

1 "A As for the Navy Ministry its position re-
2 mained indefinite because there was no report. With
3 the capture of the various South Sea Islands one after
4 another, the occupation of Wake Island became imminent
5 and despite the fact that the entire garrison was
6 prepared for a mass self-destruction, there was no
7 way in which the combined fleet or the 4th Fleet could
8 rescue this garrison unit. In view of these circum-
9 stances existing at the time, we could not summon the
10 commanding officer to the headquarters of the 4th
11 Fleet for the purpose of investigation, or to shift
12 the commander and place him before a court-martial for
13 trial.

14 "20. Q Do you know Commander OKADA, staff officer of
15 the Naval General Staff?

16 "A Yes, I do.

17 "21. Q In the early part of October 1942, did you or
18 anyone orally in the Naval Affairs Bureau instruct or
19 send word to Vice Admiral ABE, Commander on Kwajalein
20 Island, through Staff Officer OKADA or some other
21 member of the Naval General Staff to execute the
22 prisoners in Kwajalein on the spot?

23 "A Absolutely not. The Naval Affairs Bureau,
24 Navy Ministry, was not concerned with Staff Officer
25 OKADA's trip to the South Seas. Also the Naval

1 Affairs Bureau was not aware that there were prisoners
2 of war on Kwajalein Island at that time.

3 "As for the Navy it always issues orders or
4 instructions by telegrams or in writing, and has
5 absolutely never entrusted anybody with verbal orders.
6 Also, according to the setup in the Navy, the
7 Navy Ministry could not give orders or instructions
8 direct to Rear Admiral ABE as the commanding officer
9 on the spot.

10 "22. Q Were protests received in connection with
11 the sinking of allied powers' merchant ships by
12 Japanese submarines in the Indian Ocean during the war
13 and the perpetration of atrocities on the survivors?

14 "A I do not remember the date and the number of
15 times the protests were received, but we did receive
16 some.

17 "23. Q What steps were taken at the time of the
18 receipt of those protests?

19 "A The parties in charge of the submarines were
20 asked to make an investigation of those connected with
21 it. Inasmuch as the matter involved operations the
22 investigation was required to the Naval General Staff
23 and the fact was thoroughly investigated. But as they
24 reached the conclusion that since the Japanese sub-
25 marines were not involved in the protests we replied

to such effect to the Foreign Office.

1 "24. Q Was any investigation made after the war
2 with respect to the foregoing facts?

3 "A There was an inquiry from GHQ so the princi-
4 pal parties of the surviving submarine crew and those
5 connected with the matter at that time were investi-
6 gated but such fact could not be established and we
7 replied to that effect. The text of the documents
8 and appended table dated December 5, 1945, signed
9 on behalf of Bureau Chief NAKAMURA, entitled, "Reply
10 to the Matter of the Merchant Ship sunk in the Indian
11 Ocean by the Imperial Japanese Submarines;" addressed
12 to Col. Allen of GHQ, was our reply.

13 "25. Q Who administered the temporary prison camp
14 in Ofuna?
15

16 "A Yokosuka Naval Station.

17 "26. Q Who appointed the superintendent of the
18 prison camp?

19 "A I do not know the details, but I think com-
20 manding officer of the Minor Naval Station in Yokosuka
21 under the jurisdiction of the Yokosuka Naval Station
22 appointed some suitable subordinate.

23 "27. Q Was the appointment of the prison camp super-
24 intendent reported to the Navy Ministry?

25 "A Such a matter was within the province of

1 the Yokosuka Naval Station and no report was made
2 to the Navy Ministry.

3 "28. Q What sort of a report was made by the Yokosuka
4 Naval Station?

5 "A There was a report on the personnel in the
6 prison camp, their names, ranks, and other matters
7 designated in the Regulations Pertaining to the Handling
8 of the Prisoners of War.

9 "29. Q Did you ever receive any report that the
10 prisoners in the Ofuna temporary prison camp were mis-
11 treated, or that the prisoner patients did not receive
12 adequate medical attention?

13 "A No such report ever came in during my tenure
14 in office.

15 "On this 15th day of August, 1947."

16 You may cross-examine.

17 CAPTAIN ROBINSON: If it please the Court.

18 THE PRESIDENT: Captain Robinson.

19 CAPTAIN ROBINSON: No cross-examination is
20 desired. However, the prosecution wishes to call the
21 Court's attention, by reference, to exhibit 2055-C,
22 record page 15,028 to 15,032.

23
24 THE PRESIDENT: What is your next document,
25 Mr. Roberts?

MR. ROBERTS: Document 1942, and that

1 finishes my phase.

2 May this witness be excused on the usual
3 terms?

4 THE PRESIDENT: He is released accordingly.

5 (Whereupon, the witness was excused.)

6 THE PRESIDENT: We will adjourn now until
7 half-past nine tomorrow morning.

8 (Whereupon, at 1600, an adjournment
9 was taken until Wednesday, 3 September 1947,
10 at 0930.)
11

12 - - -
13
14
15
16
17
18
19
20
21
22
23
24
25